

IN THE CIRCUIT COURT  
STATE OF MISSOURI  
TWENTY-SECOND JUDICIAL DISTRICT  
(City of St. Louis)

RODNEY LAY,

Plaintiff,

vs.

ABBOTT LABORATORIES, INC., et al

Defendants.

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Cause No. 1122-CC-09203

Division No. 1  
(Asbestos)

**DEFENDANT HENNESSY INDUSTRIES INC.'S RESPONSES  
AND ANSWERS TO PLAINTIFF'S MASTER DISCOVERY REQUESTS**

NOW COMES, Defendant, Hennessy Industries, Inc., successor-in-interest to Amnoco Tools, Inc.(hereinafter "Hennessy" or "Defendant"), by and through its undersigned counsel, and for its Responses and Answers to Plaintiff's Master Discovery Request, respectfully states as follows:

**PRELIMINARY STATEMENT**

Because much of the information sought by Plaintiff involves, or relates to, events of many years ago, it is difficult, if not impossible, for Hennessy to retrieve or reconstruct much of the requested information. Many individuals who might have had personal knowledge of the matters to which Plaintiff's discovery relate are deceased or otherwise unavailable to Hennessy, and documents which may have contained information relating to the matters to which Plaintiff's discovery requests relate may have been discarded pursuant to Hennessy's normal records retention policy(ies) or are otherwise no longer available. Information must be assimilated from those records which still exist and, to the extent reasonably feasible, from current and/or former

employees. Accordingly, Hennessy can only relay this information, and cannot attest to the accuracy or completeness of such answers.

Hennessy is engaged in continuing investigation into the matters inquired into by Plaintiff, and its answers are based upon this investigation. Hennessy cannot exclude the possibility that its continued investigation may at some time reveal more complete information or even information which indicates an answer now supplied is incorrect. Hennessy, therefore, reserves the right to use and rely upon subsequently discovered facts, information and/or legal theories.

In addition, Hennessy reserves all objections as to admissibility at any trial, hearing or other proceeding of any information provided in response to this discovery. The information set forth below shall not be deemed to waive any such objections, nor to concede any legal characterizations implied in the discovery. These preliminary comments shall apply to each and every response given herein, and shall be incorporated by reference as though set forth in full on the following pages.

As an overarching statement to clarify Hennessy's alleged involvement in the use of asbestos, Hennessy asserts that it never manufactured any asbestos-containing products and neither did Hennessy's predecessor-in-interests, Ammco Tools, Inc. Ammco Tools Inc. ("Ammco") was a manufacturer of brake arcing machines, more commonly called brake grinders and brake lathes. These are asbestos-free pieces of machinery. However, upon information and belief, many of the brake shoes serviced by Ammco's brake grinders may have contained asbestos. These brake shoes, commonly referred to as friction materials, were not manufactured, designed or distributed by Ammco but by other parties.

### GENERAL OBJECTIONS

1. Defendant objects to this discovery to the extent it is argumentative and falsely insinuates that Defendant manufactured, sold, marketed, installed, distributed, specified or serviced asbestos-containing products and/or that Defendant incorporated asbestos-containing components in its products. Defendant has never manufactured, sold, marketed, installed, distributed, specified or serviced asbestos-containing products and/or incorporated asbestos-containing components in its products.

2. Hennessy objects to this discovery on grounds that it is overly broad, unduly burdensome and beyond the time, place and scope of product identification in this litigation.

3. Hennessy objects to the form, as well as the vague and ambiguous nature of many of this discovery, in addition to the false predicates contained therein. Thus, this discovery is not reasonably calculated to lead to the discovery of relevant, admissible evidence.

4. Hennessy objects to this discovery to the extent it seeks information subject to the attorney-client privilege or any other applicable privilege or immunity. Matters subject to a valid privilege are not subject to discovery, whether the privilege is attorney-client or work product. Accordingly, Defendant will produce a privilege log, as needed, identifying all documents which it claims are protected by attorney client privilege and work product doctrines.

5. Hennessy objects to this discovery insofar as the information sought is not limited to the types of asbestos-containing products at issue, the facilities at issue and the timeframe at issue. *In re All Asbestos Litig.*, 385 Ill. App. 3d 386, 391 (Ill. App. Ct. 2008) citing favorably to *In re Sears, Roebuck & Co.*, 123 SW.3d 573 (Tex. App. 2003)(holding that a defendant in asbestos litigation was not required to answer discovery requests requesting the name, date of manufacture and sale and asbestos content of each product it sold or made available for sale

when such request was not tailored to the Plaintiffs' work history, time period of work, or work locations).

The objections set forth below are incorporated into Hennessy's response to each Interrogatory and Request for Production propounded by Plaintiff, whether or not specific reference is made to such objection in response to a particular Interrogatory or Request.

### **OBJECTIONS TO PLAINTIFFS' DEFINITIONS**

In a preliminary statement to Plaintiffs' General Interrogatories and Requests for Production they provide numerous definitions. Defendant objects to the following definition "Document," as it is overly broad and inclusive and unduly burdensome. The use of the phrase "of which Defendant has knowledge, wherever located" is not sufficiently descriptive to allow Hennessy to provide an adequate answer.

### **OBJECTIONS TO PLAINTIFF'S MASTER REQUEST FOR DISCLOSURE**

Hennessy objects to responding to Plaintiffs' Request for Disclosure, as such requests are an improper method of discovery in Missouri. Missouri Supreme Court Rule 56.01(a) enumerates the proper methods of discovery in the State of Missouri:

**Discovery Methods.** Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

Missouri Supreme Court Rule 56.01(a) does not provide for discovery by "Request for Disclosure," as this is not a proper method of discovery. Further, the parties have not stipulated to modifying the procedures set forth in the Missouri Rules for "other methods of discovery." Mo. Sup. Ct. R. 56.01(f). Because such requests are not a proper method of discovery in Missouri, it is

unclear how or by when Defendants must respond to said discovery, as there is no guidance in the Missouri rules or case law.

Subject to and without waiver of the foregoing General Objections and Objections to Plaintiffs' Definitions and Requests for Disclosures, Hennessy responds as follows:

**Plaintiff's Master Request for Disclosure**  
**(Applicable to All Types of Defendants)**

Defendant is hereby requested to disclose, the information sought below.

**REQUEST FOR DISCLOSURES**

- (a) The correct names of parties to this lawsuit.

**RESPONSE:**

This defendant's correct name is Hennessy Industries, Inc.

- (b) The name, address, and telephone number of any potential parties.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

- (c) The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference. Subject to these objections, Defendant Hennessy did not manufacture an asbestos-containing product. See Hennessy's Answer to Plaintiff's Petition and Motion for Summary Judgment.

- (d) The amount and any method of calculating economic damages.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

- (e) 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.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference. Subject to these objections, Defendant's representative with the most knowledge concerning any records related to asbestos litigation or Defendant's product lines is Craig Mountz. This witness is located in Brentwood, TN, and Defendant's corporate headquarters are located at Hennessy Industries, Inc., 1601 J P Hennessy Dr., Lavergne, TN 37086.

- (f) 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, 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.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference. Subject to these objections:

- (1) Dennis Bridge  
23675 Hedgeworth Court  
Deer Park, Illinois 60010
- (2) Mr. Bridge will testify regarding the industrial hygiene impact of Hennessy's products
- (3) None so far. Defendant will supplement as necessary
- (4) None so far. Defendant will supplement as necessary

- (1) Dr. Raymond D. Harbison  
13201 Bruce B. Downs, Blvd.  
Tampa, FL 33612-3805
- (2) Dr. Harbison will testify regarding the toxicological nature of asbestos and will provide scientific analysis of Plaintiff's alleged exposure to asbestos from use of Hennessy/Ammco Tools products
- (3) None so far. Defendant will supplement as necessary
- (4) None so far. Defendant will supplement as necessary

(g) Any indemnity and insuring agreements described in ART. 1423

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

(i) Any witness statements described in ART. 1425

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

(j) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

**Plaintiff's General Interrogatories and Requests for Production**

**INTERROGATORY NO. 1:**

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. mesothelioma?

**RESPONSE:**

Defendant objects to Interrogatory No. 1 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Further, Defendant objects to this Interrogatory as being vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead to discoverable information. Hennessy further objects to this interrogatory to the extent it invades the attorney-client privilege and attorney work product doctrine. Without waiving said objections, Defendant states: Hennessy never employed any individuals responsible for safety and/or occupational medical practice and procedures, or training and educating employees, with respect to asbestos or asbestos-containing products.

To the best of Hennessy's knowledge, information and belief, Ammco Tools conducted several asbestos studies, which have previously been provided to Plaintiffs' counsel. Said studies speak for themselves. Without waiving said objections, Ammco first became aware that asbestos exposure over certain government mandated levels may be a health hazard based on the OSHA regulations promulgated on or about 1972. As Ammco never employed any individuals responsible for safety and/or occupational medical practice and procedures, this defendant is not aware of when Ammco became aware that asbestos exposure could be linked to the specific diagnoses listed above.

**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. mesothelioma?

**RESPONSE:**

See Defendant's response to Interrogatory No. 1. The OSHA regulations promulgated on or about 1972 regarding the health hazards of asbestos are public documents equally available to all parties.

**INTERROGATORY NO. 2:**

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, Missouri Chemical Council, 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.

**RESPONSE:**

Defendant objects to Interrogatory No.2 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant states: Ammco was not a member of any of the organizations listed above for purposes of learning information relating to the hazards of asbestos or nuisance dust in general, but Ammco was a licensee of the Friction Material Standards Institute for the purpose of learning the dimensions of brake shoes to determine the size and tolerances of its products.

**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 immediately above, or by any other trade organization or group.

**RESPONSE:**

None. Investigation continues.

**INTERROGATORY NO. 3:**

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

**RESPONSE:**

Defendant objects to Interrogatory No.3 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections,

Defendant has no information regarding whether any Ammco representatives attended any of the above referenced events prior to 1972. Investigation continues.

**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 the preceding Interrogatory, as well as from safety committees, purchasing committees or other groups within Defendant's organization generated before 1972.

**RESPONSE:**

None. Investigation continues.

**INTERROGATORY NO. 4:**

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.

**RESPONSE:**

Defendant objects to Interrogatory No.4 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant states: Given the nature of how Hennessy acquired Ammco Tools in 1987, this Defendant is not aware of all the medical, safety, and industrial hygiene programs Ammco Tools employed from its inception to the present day. Further answering, please see NATLSCO reports previously produced to Plaintiffs' counsel.

**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:**

None. Investigation continues.

**INTERROGATORY NO. 5:**

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.

**RESPONSE:**

Defendant objects to Interrogatory NO.5 as overly broad, unduly burdensome, and not

sufficiently limited in time or scope. Subject to and without waiving said objections, not

to the best of Defendant's knowledge. Investigation continues.

**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:**

Defendant objects to Interrogatory No.5 as overly broad, unduly burdensome, and not

sufficiently limited in time or scope. Subject to and without waiving said objections, not

to the best of Defendant's knowledge. Investigation continues.

**INTERROGATORY NO. 6:**

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.

**RESPONSE:**

Defendant objects to Interrogatory No.6 as overly broad, unduly burdensome, and not

sufficiently limited in time or scope. Subject to and without waiving said objections,

Defendant states: Hennessy Industries is a Delaware domestic corporation and was

incorporated on July 24, 1972. The corporate history of Ammco Tools dates back into the

first half of the twentieth century. Hennessy acquired Ammco Tools in 1987. The entity

"AMMCO Tools, Inc." was dissolved and the product line/brand Ammco Tools remains as one of Hennessy's brands. This Defendant's principal place of business is located at Hennessy Industries, Inc., 1601 J P Hennessy Dr., Lavergne, TN 37086.

**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:**

Defendant objects to Request for Production No.6 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all the closing binders and/or final transaction documents related to all transactions which Defendant was acquired by another entity.

**RESPONSE:**

Defendant objects to Request for Production No.7 on the grounds that it is vague, ambiguous, and requests information that is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Plaintiff's use of the phrase "all closing binders and/or final transaction documents" is undefined, vague and ambiguous.

**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:**

Defendant objects to Request for Production No.8 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**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 (sic) the tort liabilities of any third party which manufactured, mined, distributed, supplied or sold asbestos-containing products.

**RESPONSE:**

Defendant objects to Request for Production No.9 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**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:**

None.

**INTERROGATORY NO. 7:**

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

**RESPONSE:**

Defendant objects to Interrogatory No.7 on the grounds that it is vague, ambiguous, and requests information not reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant's principal place business is located at Hennessy Industries, Inc., 1601 J P Hennessy Dr., Laverne, TN 37086.

**INTERROGATORY NO. 8:**

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

**RESPONSE:**

Craig Mountz is the Ammco Tools and now Hennessy employee who has supplied the information or assisted in locating any documents or tangible things used in answering or responding to this Asbestos discovery. During the course of his employment with Ammco and Hennessy, he has held the job titles of Engineer (1975 to 1988), Engineering Manager (1988 to 1993), and Product Engineer (1993 to present).

**INTERROGATORY NO. 9:**

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?

**RESPONSE:**

Defendant objects to Interrogatory No. 9 as overly broad and unduly burdensome. The instant interrogatory calls for expert education, training, background, and opinion in order to formulate a proper response and is not suited for non-expert discovery.

**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:**

Defendant objects to Request for Production No. 11 as overly broad and unduly burdensome. Further, the instant request calls for expert education, training, background, and opinion in order to formulate a proper response and is not suited for non-expert discovery.

**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:**

Defendant objects to Request for Production No. 12 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**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:**

Defendant objects to Request for Production No. 13 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope.

**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:**

Defendant objects to Request for Production No. 14 as vague, ambiguous, and requests information not reasonably calculated to lead to the discovery of relevant, admissible evidence. Plaintiff's use of the phrase "all documents . . . concerning the hazards of asbestos . . . published, distributed, or disseminated" is undefined, vague and ambiguous. Without waiving said objections: Defendant has no documents responsive to this Request. Investigation continues.

**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 the Request for Production immediately above.

**RESPONSE:**

Not applicable. See response to Request for Production No. 14.

**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 Report.

**RESPONSE:**

Defendant objects to Request for Production No. 16 as overly broad and unduly burdensome. Further, the instant Request calls for expert education, training, background, and opinion in order to formulate a proper response and is not suited for non-expert discovery. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Dreessen Report.

**RESPONSE:**

Defendant objects to Request for Production No. 17 as overly broad and unduly burdensome. Further, the instant Request calls for expert education, training, background, and opinion in order to formulate a proper response and is not suited for non-expert discovery. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**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:**

Defendant objects to Request for Production No. 18 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Further, Defendant objects on the grounds that Request for Production No. 18 is vague, ambiguous, and requests information not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all demonstrative aids that Defendant plans to use at trial in this matter.

**RESPONSE:**

Defendant objects to Request for Production No. 19, in that it requests information which is protected by the attorney work-product doctrine. Subject to and without waiving said objections, Defendant has not devised any demonstrative aids in preparation for trial in this matter.

**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:**

Defendant objects to Request for Production No. 20 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Subject to and without waiving said objections, See NATLSCO studies previously produced to Plaintiffs' counsel.

**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:**

Defendant objects to Request for Production No. 21 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Further, Defendant objects on the grounds that Request for Production No. 21 is vague, ambiguous, and requests information that is not reasonably calculated to lead to the discovery of relevant, admissible evidence.

**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 as having knowledge of relevant facts.

**RESPONSE:**

The requested documents are a matter of public record and are equally available to all parties. Upon further clarification by Plaintiff through a meet and confer, Defendant will supplement this response.

**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:**

The requested documents are a matter of public record and are equally available to all parties. Upon further clarification by Plaintiff through a meet and confer, Defendant will supplement this response.

**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:** None. Investigation continues.

**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:**

Defendant objects to Request for Production No. 25 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things indicating any industrial hygiene advice, related to the hazards of asbestos, that Defendant received from any insurance carrier at any time.

**RESPONSE:**

Defendant objects to Request for Production No. 26 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce the personnel records of all witnesses listed in the disclosures that Defendant made in this case.

**RESPONSE:**

Defendant objects to Request for Production No. 27 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Further, Defendant objects on the grounds that Request for Production No. 27 is vague, ambiguous, and requests information not reasonably calculated to lead to the discovery of relevant, admissible evidence.

**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:**

Defendant objects to Request for Production No. 29 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope. Defendant also objects as the instant interrogatory calls for expert education, training, background, and opinion in order to formulate a proper response and is not suited for non-expert discovery. In further answering, Defendant states that it will make all of the necessary and requisite disclosures with respect to experts (identities, opinions, qualifications, and/or any other necessary information under the applicable law) in accordance with the court ordered discovery schedule and any state or local rules that are applicable to expert discovery.

**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:**

Defendant objects to Request for Production No. 30, in that it requests information which is protected by the attorney work-product doctrine. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**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:**

Defendant objects to Request for Production No. 31 as overly broad and unduly burdensome as it is not sufficiently limited in time or scope, nor is it reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant has been named in hundreds of asbestos-related law suits and this request is unreasonable and entirely too burdensome to fulfill.

**REQUEST FOR PRODUCTION NO. 31:**

If Defendant contends it has not been sued in the proper capacity as set forth in Plaintiffs' latest petition, please produce all documents and tangible things that support this contention.

**RESPONSE:**

It is this Defendant's understanding that it is being sued in the proper capacity.

**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:**

Defendant objects to Request for Production No. 24 as overly broad and unduly

burdensome as it is not sufficiently limited in time or scope. Subject to and without

waiving said objections, Defendant has no documents responsive to this Request.

Investigation continues.

**INTERROGATORY NO. 10:**

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

- a. the trade name or brand name of product mined, manufactured, marketed, sold, produced, researched, distributed, and/or patented;
- b. the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the products manufacturer or sale (if manufactured or sold);
- c. the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- d. the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling and/or distributing the product;
- e. the date asbestos was removed from the product, if ever, and the reason for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each part product, and the type (example: asmosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- f. whether Defendant ever conducted any testing on the equipment to determine whether it posed any potential asbestos-related hazard to human or non-human health;
- i. the plants or facility where the product was mined, manufactured, produced, or researched;
- j. the foreseeable users of the equipment (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and

- k. a description of any warnings that Defendant placed on the equipment or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the equipment or its packaging where the warning was printed, and when the warning was first placed on the equipment.

**RESPONSE:**

This Defendant has not mined, manufactured, marketed, produced researched, sold, distributed, or patented any asbestos containing products.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce all documents and tangible things relating to Defendant's mining, manufacture, marketing, production, research, sale and distribution, or patenting of any asbestos-containing product at this time. This Request for Production specifically seeks, but is not limited to: packing, instruction, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 11**

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

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 12:**

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

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 34:**

If you response to Interrogatory No. 12 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined,

manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time was to be altered or substantially changed after the produce was sold or distribution and before reaching the consumer or user.

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 13:**

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

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory Nos. 10 and 13.

**INTERROGATORY NO. 14:**

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

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 15:**

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

**RESPONSE:**

No, this Defendant did not manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product.

**INTERROGATORY NO. 16:**

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

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness of asbestos-free substitutes or alternatives for any product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory Nos. 10 and 16.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 10.

**RESPONSE:**

Not applicable. See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 17:**

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

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce any and all documents identifying precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos containing product(s) manufactured, sold, or otherwise distributed by you.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 18:**

As to each and every asbestos-containing product identified in Response to Interrogatory No. 10, please list each and every asbestos fiber supplier to this Defendant.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce all documents and tangible things that indicate, in any way, each and every asbestos-fiber supplier to this Defendant for any asbestos containing product identified in response to Interrogatory No. 10.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 19:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced,

researched, sold, distributed, or patented at any time. Or each product identified, please provide the following information:

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

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 42:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things related to Defendant's mining, manufacture, marketing, production, research, sale and distribution, or patenting of any asbestos-containing product at this time. This Request for Production specifically seeks, but is not limited to: packing, instruction, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 20:**

To the extent not previously answers in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packages, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 43:**

If your response to Interrogatory No. 20, if affirmative, please product the documents showing the terms of said agreement, including:

- a. contracts;
- b. rebranding agreements;
- c. shipping documents which are relevant to the terms of said agreement;
- d. purchase orders which are relevant to the terms of said agreement;
- e. invoices which are relevant to the terms of said agreement;
- f. requisitions which are relevant to the terms of said agreement; or
- g. correspondence which is relevant to the terms of said agreement.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 21:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 44:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, if your response to Interrogatory No. 3 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 22:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products to be generally utilized without liberating asbestos fibers in the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10. Neither did this defendant ever manufacture, market, produce, research, sell, distribute, or patent an asbestos-substitute product.

**REQUEST FOR PRODUCTION NO. 45:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 23:**

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

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 46:**

Please produce all documents or tangible things which show the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 24:**

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

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 25:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, was it foreseeable to Defendant, at the time each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale

and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 26:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10. Neither did this defendant ever manufacture, market, produce, research, sell, distribute, or patent an asbestos-substitute product.

**INTERROGATORY NO. 27:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when did Defendant become aware of asbestos-free substitutes or alternative for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10. Neither did this defendant ever manufacture, market, produce, research, sell, distribute, or patent an asbestos-substitute product.

**REQUEST FOR PRODUCTION NO. 47:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, please product all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness

of asbestos-free substitutes or alternative for such product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10. Neither did this defendant ever manufacture, market, produce, research, sell, distribute, or patent an asbestos-substitute product.

**REQUEST FOR PRODUCTION NO. 48:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, please produce all documents and tangible things related to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**RESPONSE:**

See Preliminary Statement, General Objections and Objections to Plaintiff's Definitions and Request for Disclosure, which are incorporated herein by reference.

**REQUEST FOR PRODUCTION NO. 49:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 10.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 28:**

Please indicate whether or not there are any documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like documents that reflect the distribution of your product to any of the job sites identified by Plaintiff.

**RESPONSE:**

Defendant objects to Interrogatory No. 28 as overly broad, unduly burdensome and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. Investigation continues.

**REQUEST FOR PRODUCTION NO. 50**

Please produce any and all documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like documents that reflect the distribution of your product to any of the job sites identified by Plaintiff.

**RESPONSE:**

Defendant objects to Request No. 50 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Subject to and without waiving said objections, Defendant has no documents responsive to this Request. See Defendant's answer to Interrogatory No. 28.

**INTERROGATORY NO. 29:**

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

**RESPONSE:**

Defendant objects to Interrogatory No. 39 as overly broad, unduly burdensome, not sufficiently limited in time or scope, and calls for a legal conclusion. Subject to and without waiving said objections, Defendant states: Defendant did not manufacture or sell any asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 51:**

Please produce any and all documents, including but not limited to, sales records, invoices, billing records, shipping records, and any other type of document that supports your contention that your products were not or could not have been present on job sites at which any Plaintiff claims exposure to asbestos.

**RESPONSE:**

Defendant objects to Request No. 51 as overly broad, unduly burdensome, not sufficiently limited in time or scope, and calls for a legal conclusion. Subject to and without waiving said objections, Defendant states: Defendant did not manufacture or sell

any asbestos-containing products and does not have any documentation responsive to this Request.

**INTERROGATORY NO. 30:**

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

**RESPONSE:**

Defendant objects to Interrogatory No. 30 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Defendant further objects as Interrogatory No. 30 seeks attorney trial strategy and mental impressions exempt from discovery by the attorney work-product doctrine.

**INTERROGATORY NO. 31:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, if it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos containing-product(s) please identify any such precautions and actions taken by you.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 52:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, please produce all documents identifying to precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 53:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery response or sworn testimony, please produce

any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos containing product(s) manufactured, sold, or otherwise distributed by you.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.

See Defendant's Response to Interrogatory No. 10.

**INTERROGATORY NO. 32:**

If it is your contention that the Plaintiff's description of your asbestos-containing product(s) or his/her use of your asbestos-containing product(s) is not a proper description and/or use please state the bases for this contention.

**RESPONSE:**

Defendant objects to Interrogatory No. 32 as overly broad, unduly burdensome, and not sufficiently limited in time or scope. Defendant further objects as Interrogatory No. 32 seeks attorney trial strategy and mental impressions exempt from discovery by the attorney work-product doctrine. Subject to and without waiving its objection, Defendant states that: as this Defendant did not manufacture any asbestos-containing product. See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 54:**

If it is your contention that Plaintiff's description of your asbestos-containing product(s) and/or his/her use of your asbestos-containing product(s) is incorrect, please produce any and all documents that support this contention.

**RESPONSE:**

See Defendant's Response to Interrogatory No. 32. Defendant has no documentation responsive to Request No. 54.

**INTERROGATORY NO. 33:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each and every asbestos-containing product identified in Response to Interrogatory No. 10, please list each and every asbestos fiber supplier to this Defendant.

**RESPONSE:**

Not applicable, as this Defendant did not manufacture any asbestos-containing product.  
See Defendant's Response to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 55:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, each and every asbestos fiber supplier to this Defendant for any asbestos containing product identified in Response to Interrogatory No. 1.

**RESPONSE:**

See Defendant's Response to Interrogatory No. 33. Defendant has no documentation responsive to Request No. 55.

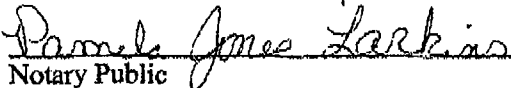
**VERIFICATION**

Craig Mountz, being duly sworn, states that he has read the foregoing Answers to Plaintiff's Master Discovery Requests, including both interrogatories and requests for production of documents, served upon Hennessy Industries; that he has reviewed Plaintiff's Master Discovery Requests therein and knows the general contents thereof; and that said response is true and correct to the best of his knowledge, information and belief as it pertains to Plaintiff's general and globally issued interrogatories and requests for production of documents.

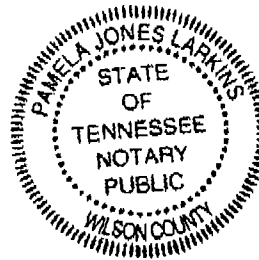
  
CRAIG MOUNTZ

SUBSCRIBED and SWORN to before me

This 25 day of September, 2012

  
Notary Public

My Commission Expires:  
July 20, 2015



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The undersigned affirms/certifies that a copy of the foregoing document was sent via facsimile this 27<sup>th</sup> day of September, 2012, to:

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