



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO, et al.,	:	Case Nos: 323629-323678
	:	(HANNA, J.)
Plaintiffs,	:	
	:	
v.	:	
	:	
A-BEST PRODUCTS COMPANY, et al.,	:	
	:	
Defendants.	:	

DEFENDANT A.W. CHESTERTON COMPANY'S
ANSWERS TO PLAINTIFFS' MASTER SET OF INTERROGATORIES

COMES NOW Defendant, A.W. Chesterton Company, by and through their undersigned counsel, Young and Alexander, and for its Answers to Plaintiffs' Master Set of Interrogatories states:

CORPORATE NAME

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER: Joe Riley; Assistant General Counsel; A.W. Chesterton Company; Middlesex Industrial Park; 225 Fallon Road, Stoneham, MA 20180.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Please state whether or not Defendant is a corporation. If so, please state:

- a. your correct corporate name;
- b. the state of your incorporation;
- c. the address of your principal place of business;
- d. your registered agent for service in the state of Ohio;

- e. for each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

- a. A.W. Chesterton Company
- b. Massachusetts
- c. 225 Fallon Road, Middlesex Industrial Park, Stoneham, MA 02180
- d. The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.
- e. The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- a. if defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- b. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- c. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- d. the date of each such acquisition;
- e. the state in which each such acquisition was effected;
- f. the state law governing each such acquisition if specified by contract;
- g. whether Defendant became legally responsible for the past torts of each such corporation or entity;

- h. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states it incorporated sometime in 1907.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- a. the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- b. the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- c. the date of each such acquisition;
- d. the state in which each such acquisition was effected;
- e. the state law governing each such acquisition if specified by contract;
- f. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- g. whether the acquisition concerned asbestos-containing products.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states that it acquired Advanced Packings of Chicago, Illinois, some time in the 1920's and dissolved this company some time in the late 1940's.

4.1 For each corporation, other than the answering defendant ("the entity"), that has at any time in the past been involved in the placing of asbestos-containing products into the stream of commerce for which officers of the answering defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- a. the name of the entity involved in the placing of asbestos products into the stream of commerce;
- b. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);

- c. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name;
- d. the name, positions and a brief description of the responsibilities of the person or persons serving the answering defendant and the entity simultaneously including the positions held with the entity and with the answering defendant.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states none.

EVER SELL ASBESTOS

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- a. the name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- b. as to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - 1. the trade or brand name.
 - 2. its identification number (model, serial number, etc.).
 - 3. the time period it was manufactured, mined, marketed, distributed or sold.
 - 4. its physical description including color, general composition, and form.
 - 5. a detailed description of its intended use and purpose.
 - 6. a detailed description of the package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - 7. the percent of asbestos which it contained.
 - 8. the percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- c. the time period during which each of these products were on the market;
- d. the material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- e. how each of these asbestos-containing product can be distinguished from those of competitors;
- f. a description of the physical appearance of such product;
- g. a detailed description of the intended uses.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- a. the date of each patent;
- b. the date same was issued;
- c. the number of each patent application that is pending.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- a. the trade name of each such product;
- b. the date each such product was altered;
- c. the nature of the alteration;
- d. the reason for the alteration.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- a. the name and address of each such company;
- b. the names and address of Defendant's distributors in Ohio and Illinois since 1940;
- c. the date of each sale;
- d. the name of the person at each location with whom you primarily dealt.
- e. a list of all asbestos-containing products that you sold to each location from 1945 to 1980;

- f. the amount of each asbestos product sold to each location during this period.
- g. Please identify all documents relating to this distributor for the particular location.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states it has no knowledge of such activities.

8.01 Has this defendant ever purchased asbestos containing products from any other defendant?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- a. name each defendant from whom this defendant purchased any asbestos containing product;
- b. list each product purchased from each co-defendant;
- c. list the dates of each purchase of asbestos-containing products from each co-defendant.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8.03 Has this defendant ever sold asbestos containing products to any other defendant?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- a. name each defendant to whom this defendant sold any asbestos containing product;
- b. list each product sold to each co-defendant;
- c. list the dates of each sale of asbestos-containing products to each co-defendant.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930. If so, please state:

- a. the date such activity began;
- b. the years during which such activity took place;
- c. the date when such activity was terminated;
- d. if such activity was terminated, the reason(s) why;
- e. the geographical area into which you claim the product(s) were sold, purchased, or used;
- f. identify the organizational unit of defendant so engaged;
- g. the site(s) at which each such product was manufactured;
- h. the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- i. the temperature ranges for which each product(s) was intended to be used;
- j. the product's generic name;
- k. the product's trade or brand name;
- l. the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- m. a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- n. whether the words "non-asbestos" or "asbestos free" were used on the package;
- o. a detailed description of the intended method of preparation and application of the product;
- p. a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- a. the name and address of the manufacturer;
- b. the product's trade and brand name;
- c. the organizational unit of Defendant who did so;
- d. date(s) beginning, ending and during which the marketing or distributing took place;
- e. whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- f. identify all documents relating the marketing or distribution.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto. If your answer is "yes", please state:

- a. the basis of your answer.
- b. Please state which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory on the grounds that plaintiffs fail to show a particular plaintiff or any combination of plaintiffs worked at any of the jobsites listed in Plaintiffs' Interrogatory Exhibit A.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A:

- a. the name and address of each such company;
- b. the date of each sale from Defendant to such other company;
- c. the name of the person at each other company with whom Defendant primarily dealt;
- d. names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- e. Please identify all documents relating to the sales to each such company.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory on the grounds that plaintiffs fail to show a particular plaintiff or any combination of plaintiffs worked at any of the jobsites listed in Plaintiffs' Interrogatory Exhibit A.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- a. name and address of each such company;
- b. the dates of each sale from Defendant to such other company;
- c. the name of the person at each other company with whom Defendant primarily dealt;
- d. the names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory on the grounds that plaintiffs fail to show a particular plaintiff or any combination of plaintiffs worked at any of the jobsites listed in Plaintiffs' Interrogatory Exhibit A.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- a. the names and last known addresses of those people with such knowledge;
- b. the location of such records.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory on the grounds that plaintiffs fail to show a particular plaintiff or any combination of plaintiffs worked at any of the jobsites listed in Plaintiffs' Interrogatory Exhibit A.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- a. the name and last known address of each such representative and whether they are still employed by Defendant;
- b. the period of time they acted as your representative;
- c. their general responsibility as to each facility;
- d. whether that person is still alive; and
- e. any documents relating, referring or pertaining thereto.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory on the grounds that plaintiffs fail to show a particular plaintiff or any combination of plaintiffs worked at any of the jobsites listed in Plaintiffs' Interrogatory Exhibit A.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- a. the name of each subdivision;
- b. the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and

- c. whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A, from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
1. the dates of such contracts;
 2. the specific asbestos-containing products that were used or removed in. each contract.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it did not manufacture insulation products. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- a. the name of the company manufacturing the asbestos products under such agreement;
- b. the trade name affixed to such products;
- c. the periods of time covered by each such agreement;
- d. the volume (in dollars amounts) of each such transaction;
- e. the purchaser of such products;
- f. does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- a. the same of said business;
- b. the date of commencing business and cessation of business, if applicable;
- c. type of construction or tear out performed;
- d. state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- e. state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- f. provide the dates for the applicable construction, installation or tear-out project.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- a. a description of each such package;
- b. the present location and custodian of each such package;
- c. the date or approximate date on which each such package was produced.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

INFORMATION ABOUT DESIGN/TESTING

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- a. list each such written material or document;
- b. identify the person or persons presently in possession of each such document;
- c. state where each such document is located.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential

health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- a. the name of the products tested and the date of each test.
- b. the name, address, and job classification of each individual who conducted such tests;
- c. the results of such tests.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- a. the name of the products tested and the date of each test.
- b. the name, address, and job classification of each individual who conducted such tests;
- c. the results of such tests.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- a. identify each such written material or document;
- b. identify each person who presently has possession of each such document;
- c. state where each such document is located.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit B in response hereto.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- a. the trade name of the product changed or modified;
- b. the nature of the change made and the date of such changes or modifications;
- c. the name, address, and job classification of each person in charge of making a change.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- a. the names of the products tested and the dates of said tests;
- b. the name, address, and job classification of each person and/or agency conducting said tests;
- c. the results of said tests;
- d. whether, as a result of any tests conducted, any products were removed from the market;
- e. the names of all products removed from the market as a result of said tests.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons

applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- a. the dates and nature of such studies;
- b. the names and addresses of persons conducting such studies;
- c. the purpose of such studies;
- d. identify and list those persons to whom such reports were given and the date of such dissemination;
- e. state any publication or other written dissemination of the results of such studies;
- f. state the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- g. attach a copy of reports based upon such studies.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

INFORMATION ABOUT SAFETY

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- a. the date of said studies;
- b. what studies were done; and
- c. the titles of each study.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators,

applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- a. the date, place and nature of each and every test;
- b. the particular asbestos-containing products to which each test applied;
- c. the results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- d. the persons to whom the results said tests were given and the date of such dissemination.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. A.W. Chesterton Company further objects to this interrogatory to the extent that it makes reference or applies to products not manufactured by A.W. Chesterton Company. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit B in response hereto.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- a. when Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- b. the manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- c. what information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- d. whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- e. the name, address and job classification of the custodian of such information.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W.

Chesterton Company, states that it became aware of the OSHA Statements on the Health Effects of Asbestos upon their promulgation in 1972.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states that it became aware of the OSHA Statements on the Health Effects of Asbestos upon their promulgation in 1972.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

30.2 Has any engineer, industrial hygienist or physician in your employ been a member in any professional group, trade group or any of the following groups:

- Asbestos Textile Institute
- National Insulation Manufacturers Association
- Thermal Insulation Manufacturers Association
- Quebec Asbestos Mining Association
- Asbestos Information Association
- Industrial Health Foundation
- Industrial Hygiene Foundation
- Iron and Steel Institute
- National Safety Counsel
- Refractories Institute
- Air Hygiene Foundation of America, Inc.
- Sprayed Mineral Fiber Association

If the answer is yes, state the following:

- a. the name of the group or groups in which the individual(s) were members;
- b. the name and position individual(s) within the Defendant, as defined, who were members;
- c. the years the individual(s) were members of the groups;
- d. whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

31. State in detail what test if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it makes reference or applies to products not manufactured by A.W. Chesterton Company. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit B in response hereto.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. A.W. Chesterton Company further objects to this interrogatory to the extent that it makes reference or applies to products not manufactured by A.W. Chesterton Company. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit B in response hereto.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit B in response hereto.

33.1 State whether this defendant at any time caused to be conducted on any job site, any air sampling, dust counts, tests or other activities to determine air quality or worker safety. If your answer is in the affirmative, please indicate:

- a. the date of any such air samples, tests, or activities;
- b. by whom such activities were performed;
- c. where such activities were performed;
- d. the results of any such activities.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- a. the date each such library was established;
- b. the location of each library;
- c. the name(s) of the librarian(s) since 1930;
- d. list all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- e. list all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER: No.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

36.1 Did you ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER: No.

36.2 Did you ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER: No.

37. Please state whether the Defendant at any time has been a member of any "The organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: No.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER: Not applicable.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- a. the title of each such article;
- b. the periodical in which each such article was published;
- c. the date each such article was published;

- d. a detailed explanation of the reason for withholding any such article for printing;
- e. produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence..

WARNINGS/SALES PROMOTION

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- a. the name of each relevant product;
- b. the wording of each such warning;
- c. a description of each such printed material;
- d. the method used to distribute the warning to persons who are likely to use the products;
- e. the date each such warning was issued;
- f. whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- g. please attach a copy of the warning and date said warning was issued;
- h. the name, address, and job classification of each person who presently has possession of the above-described documents;
- i. the name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any

rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit D in response hereto, and states that said exhibit was placed on its products commencing in March 1985.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, Please state:

- a. the name and address of each person or entity who prepared same;
- b. the name, address and job title of each person who presently has possession of same;
- c. the date same was prepared;
- d. the media used to disseminate the sales material.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A. If so, please state the following:

- a. the name, address and job classification of each person who prepared same;
- b. the name, address and job classification of each person who presently has possession of same;
- c. the dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit A in response hereto.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- a. identify the written material by content and date;
- b. to whom was it delivered.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- a. the date that Defendant first determined that another product could be used in place of asbestos;
- b. the chemical of the substitute;
- c. whether the substitute is suitable for the purpose for which they are to be used;
- d. whether Defendant used the substitute for asbestos to 1971;
- e. whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states that its products are encapsulated in resins and binders.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- a. name of person most knowledgeable about this communication.
- b. name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- c. dates of each communication.
- d. contents of each communication.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W.

Chesterton Company, attaches Exhibit D in response hereto, and states that said exhibit was placed on its products commencing in March 1985.

KNOWLEDGE OF PREVIOUS INJURIES

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- a. a list of each such claim by claimants name, date filed, the caption and jurisdiction involved;
- b. the disease alleged in each such claim;
- c. a brief summary of the disposition of each such claim; and
- d. the name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states none.

47.2 Has any person or company from which you purchased asbestos containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- a. the date of said recall;
- b. the name of the company which issued the recall;
a copy of the recall.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The defendant, A.W. Chesterton Company, further objects to this interrogatory on the grounds that conditions in A.W. Chesterton facilities are not relevant to the issues in this litigation.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- a. describe such action;
- b. state when such action was taken;
- c. state what written material exists related to such action;
- d. state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states that its products are encapsulated in resins and binders.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- a. the name and address of each claimant;
- b. the date of notice of each claim;
- c. a description of the claim;
- d. the type of injuries allegedly sustained;
- e. the name and address of each attorney representing the individuals making such claims;
- f. the style and court number of each such claim;
- g. the resolution of each claim.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the

discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states no.

48.1 Describe the method by which you have maintained records concerning the manufacturer, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- a. each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- b. the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- c. the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tear out which such record keeping system covers;
- d. the present location at which all such records are maintained;
- e. the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- a. the date and location of such destruction or discard;
- b. the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- a. Is there any kind of index for the documents?
- b. How many pages is the index of documents?
- c. How many documents are referred to in the index?

- d. Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- e. What manner of electronic format is used?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories

- a. Is there any kind of index for the documents?
- b. How many pages is the index of documents?
- c. How many documents are referred to in the index?
- d. Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- e. What manner of electronic format is used?

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

PLAINTIFF/DECEDENT

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- a. list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the

discovery of admissible evidence. Notwithstanding said objections and without waiving any rights thereto, A.W. Chesterton Company states that the facts in this action have not been fully and completely discovered and that this defendant reserves the right to make any contentions that the law and the facts, as completely discovered, reasonably permit.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- a. the facts upon which you rely;
- b. the identity of the sources upon which you rely which substantiate these facts.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objections and without waiving any rights thereto, A.W. Chesterton Company states that the facts in this action have not been fully and completely discovered and that this defendant reserves the right to make any contentions that the law and the facts, as completely discovered, reasonably permit.

RESPIRATORS

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- a. when the respirator was sold;
- b. a detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- c. the basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- d. identify any tests performed regarding the effectiveness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- e. list all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory to the extent that it implies that products manufactured by A.W. Chesterton Company pose a health hazard, and states that available medical and scientific information, and government regulations all indicate that its products do not pose such a hazard.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- a. their identity, last known address;
- b. the subject matter on which the expert is expected to testify;
- c. the experts specific conclusion and specific opinions and the specific basis therefore;
- d. the expert's qualifications to render the opinions set forth above;
- e. whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- f. identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- g. describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER: The defendant, A.W. Chesterton Company, has not yet made a determination of the expert(s) it may use on its behalf at the time of trial and will supplement this answer in accordance with the applicable rules of civil procedure.

54. Please state the name and last know address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER: The defendant, A.W. Chesterton Company, has not yet made a determination of the expert(s) it may use on its behalf at the time of trial and will supplement this answer in accordance with the applicable rules of civil procedure.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The defendant, A.W. Chesterton Company, further objects to this interrogatory on the grounds that it seeks a legal opinion which this defendant is not qualified to render.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

- a. the facts upon which the answering defendant relies for each and every affirmative defense;
- b. each and every document which will be offered to prove each and every affirmative defense; and
- c. each and every witness who will testify in support of each and every affirmative defense.
- d. the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The defendant further objects to the extent that the information sought is protected by the attorney-client privilege and/or the work-product privilege. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states that it has not yet made a determination of the witnesses it may call to testify on its behalf at the time of trial and will supplement this answer in accordance with the applicable rules of civil procedure.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- a. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such, policy.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, attaches Exhibit E in response hereto.

56.1 Have you ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- a. the case caption, court and date of filing of each case in which you have been involved;
- b. whether you were plaintiff or defendant;
- c. a brief statement of the issues;
- d. identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- e. identify by deponent and date all individuals who were deposed in these cases;
- f. identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- g. identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation and is otherwise subject to the attorney-client and work-product privilege.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. A.W. Chesterton Company further objects to this interrogatory on the grounds that it seeks production of information that is not relevant to the issues in this litigation. The defendant further objects to the extent that the information sought is protected by the attorney-client privilege and/or the work-product privilege.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER: The defendant, A.W. Chesterton Company, objects to this interrogatory as it is overly broad, vague, ambiguous, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection and without waiving any rights thereto, the defendant, A.W. Chesterton Company, states present day.

Respectfully submitted,

YOUNG & ALEXANDER

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A.W. CHESTERTON COMPANY

PROOF OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Answers to Plaintiffs' Master Set of Interrogatories was served upon plaintiff with notice of filing to all defense counsel per the attached service list by First Class, U.S. Mail this 8th day of ^{December}~~November~~, 1997.

JWS P.G.

DALE J. SANFORD
NOTARY PUBLIC
MY COMMISSION EXPIRES 1-29-99