

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ELDON CLAUDE DICKERSON
AND RUTH VIRGINA DICKERSON,

Plaintiffs,

-VS-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

: CASE NO. 398302

: (JUDGE HARRY A. HANNA)

PLAINTIFF'S EXHIBIT

ORR-2

**DEFENDANT ORR SAFETY CORPORATION'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO
ORR SAFETY CORPORATION**

Pursuant to Ohio R. Civ. P. 26 and 34, defendant Orr Safety Corporation ("Orr Safety") submits the following responses and objections to Plaintiffs' Requests for Production of Documents Propounded to Orr Safety Corporation. These responses are made without a waiver of, and with preservation of:

- (1) All questions as to competency, relevancy, materiality, privilege, and admissibility of the responses and the subject matter thereof as evidence for any purpose in any further proceedings in this action (including the trial of this action) and in any other action;
- (2) The right to object to the use of any such responses, or the subject matter thereof, on any ground in any further proceedings of this action (including the trial of this action) and in any other action;
- (3) The right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts; and
- (4) The right to assert additional privileges if warranted by new documents or evidence discovered at a later date.

GENERAL OBJECTIONS

- a. Orr Safety objects to the definitions and instructions for these requests for production to the extent that they explicitly or implicitly seek to impose requirements or obligations on Orr Safety that are greater than the requirements of the Ohio Rules of Civil Procedure and the applicable local rules. Orr Safety will respond to these requests for production in accordance with, and to the extent required by, the Ohio Rules of Civil Procedure and the applicable local rules.
- b. Orr Safety objects generally to plaintiffs' definitions of "defendant" or "you" on the grounds that they are overbroad, unduly burdensome, are not reasonably calculated to lead to the discovery of admissible evidence, and render the requests for production of documents propounded incapable of precise answer. Orr Safety will answer these requests for production of documents on behalf of Orr Safety.
- c. Orr Safety objects to plaintiffs' definition of "asbestos-containing product," "asbestos product," "sales material," "written sales material," "health hazards," and "potential health hazards" on the grounds that they are vague and ambiguous.
- d. Orr Safety objects to plaintiffs' requests to the extent that they seek information that is not within the personal knowledge of its current employees. Based upon information and belief, no persons with personal knowledge of facts relating to many of the subjects regarding which plaintiffs seek information are currently in Orr Safety's employ. In an effort to overcome these limitations, Orr Safety has conducted a reasonable search of records and inquiry of available persons. Orr Safety has responded in good faith to these requests for production based on available information. Accordingly, with these limitations and after reasonable search and inquiry, Orr Safety responds to these requests based on information and belief. Orr Safety continues to investigate issues relevant to this lawsuit and reserves the right to introduce additional evidence at trial which is uncovered in the course of its further investigation or review of information.
- e. Orr Safety objects to plaintiffs' requests to the extent they seek information relating to sale of asbestos-containing products by Orr Safety to any entity or entities other than those specifically identified by plaintiff as being within the chain of distribution between Orr Safety and plaintiffs' employers. As a seller only, Orr Safety had no discretion to determine the method and manner of use of these products.
- f. Orr Safety objects to plaintiffs' requests because they impermissibly seek to shift to this defendant the plaintiffs' burden of identifying the products at issue and the manufacturers and distributors of such products.

- g. Orr Safety objects to plaintiffs' requests to the extent that the time periods referenced therein are not limited to the period of plaintiffs' exposure to asbestos-containing products.
- h. Orr Safety objects to plaintiffs' requests to the extent that they are not limited to the specific job sites, activities, or products to which plaintiffs were exposed.
- i. Orr Safety objects to all requests for production to the extent they seek the disclosure of information or documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the consulting expert privilege, and any inadvertent production of such information shall not be deemed a waiver of any privilege with respect to such information.
- j. Orr Safety objects to all requests for production to the extent that they seek information or documents that are not in the possession or custody of Orr Safety.
- k. Orr Safety objects to these requests that follow to the extent they seek to require Orr Safety to gather and summarize information contained in voluminous papers that are already a matter of public record, or to otherwise provide information which is equally available to plaintiffs as to Orr Safety.
- l. Orr Safety objects to plaintiff's requests to the extent they seek information relating to Orr Safety's employees, which are not the subject of this litigation.
- m. Orr Safety objects to the requests that follow in their entirety because plaintiff has, to date, failed to provide any sworn identification of any products relating to Orr Safety by plaintiff, to which Orr Safety is entitled to before undertaking to respond to plaintiffs' voluminous discovery requests. As such, these requests for production of documents are overbroad, unduly burdensome, and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Orr Safety asserts each of the general objections set forth above to each of the requests that is objectionable on the stated grounds. Orr Safety's responses to these requests are subject to and without waiver of any of the foregoing objections. By setting forth specific objections to any particular request, Orr Safety does not intend to limit the general objections set forth above. In addition, Orr Safety states that its investigation and discovery are continuing. Orr Safety will supplement its responses to the extent required by Ohio R. Civ. P. 26(E) and the applicable local rules should additional information subject to discovery be located.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph or picture of each asbestos-containing product that Defendant has ever mined, manufactured, sold, marketed, installed, and/or distributed.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety is not presently aware of any documents currently in its possession responsive to this request for production.

REQUEST FOR PRODUCTION NO. 2:

Please produce a true and correct copy of each document which reflects sales of those asbestos-containing products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

REQUEST FOR PRODUCTION NO. 3:

Please produce a true and correct copy of each document which reflects sales of Defendant's asbestos-containing products to companies that may have distributed, packaged, labeled, and/or sold Defendant's asbestos-containing products.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "Defendant's asbestos-containing products." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 4:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "Defendant's asbestos-containing products." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 5:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to distributors and marketers who may have called on any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "Defendant's asbestos-containing products." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 6:

Please produce a true and correct copy of each contract and/or work order that reflects contracts for Defendant to have asbestos-containing products installed or removed at any of the job sites listed on Exhibit A, attached hereto.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is

overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never installed or removed any asbestos-containing product at any of the job sites listed on Exhibit A.

REQUEST FOR PRODUCTION NO. 7:

Please produce a true and correct copy of each work order and contract that reflects contract business between Defendant and any of the job sites listed on Exhibit A, attached hereto, for the application of asbestos-containing products.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing products" and "contract business." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never had any contract for the application of any asbestos-containing product at any of the job sites listed on Exhibit A.

REQUEST FOR PRODUCTION NO. 8:

Please produce a true and correct copy of each document relating to the design and preparation of the asbestos-containing products listed in Defendant's answer to Interrogatory No. 5.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the terms "preparation" and "asbestos-containing product." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never designed or manufactured any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 9:

For each product listed in response to Interrogatory No. 5, please produce a copy of all tests that were conducted to determine any potential health hazards involved in its use or exposure (this Request for Production relates to Plaintiffs' Interrogatory No. 18 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "potential health hazards." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the specific products to which plaintiffs were exposed, and fails to identify the specific tests regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any products and thus was not responsible for testing of any products. Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the "asbestos mittens" and "gloves" referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in the mittens or gloves was encapsulated in the product such that respirable fibers were not released from the product so as to constitute any hazard.

REQUEST FOR PRODUCTION NO. 10:

Please produce a true and correct copy of all documents relating to the testing of any product which Defendant listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 19 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the specific products to which plaintiffs were exposed, and fails to identify the specific tests regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any products and thus was not responsible for testing of any products. Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

REQUEST FOR PRODUCTION NO. 11:

Please produce a true and correct copy of all tests which Defendant conducted and/or has in its possession to determine potential health hazards involved in the use of or exposure to asbestos products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 21 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "potential health hazards." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the specific products to which plaintiffs were exposed, and fails to identify the specific tests regarding which it seeks information. Orr Safety also objects to this request on the grounds that it is duplicative of Request No. 9.

See Response to Request No. 9.

REQUEST FOR PRODUCTION NO. 12:

Please produce a true and correct copy of all studies which Defendant conducted or caused to be conducted concerning the effects of the inhalation of asbestos dust and/or fibers in workers or other persons using, working with and/or around, installing and/or applying any of the asbestos products mined, manufactured, sold, distributed, marketed, installed and/or relabelled for distribution by Defendant or Defendant's predecessor (this Request for Production relates to Plaintiffs' Interrogatory No. 22 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed. Orr Safety also objects to this request on the ground that it is misleading in that it assumes that asbestos dust and/or fibers could be inhaled as a result by workers "using, working with and/or around, installing and/or applying" all "asbestos-containing products."

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any products and thus was not responsible for testing of any products. Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the "asbestos mittens" and "gloves" referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in the mittens or gloves was encapsulated in the product such that respirable fibers were not released from the product so as to constitute any hazard.

REQUEST FOR PRODUCTION NO. 13:

Please produce a true and correct copy of all documents relating to any studies made or caused to be made by Defendant, to determine whether the asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant or Defendant's predecessor would be hazardous to people (this Request for Production relates to Plaintiffs' Interrogatory No. 23 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing products." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is

neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any products and thus was not responsible for testing of any products. Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the "asbestos mittens" and "gloves" referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in the mittens or gloves was encapsulated in the product such that respirable fibers were not released from the product so as to constitute any hazard.

REQUEST FOR PRODUCTION NO. 14:

Please produce a true and correct copy of all tests in the field which Defendant conducted or caused to be conducted 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 (this Request for Production relates to Plaintiffs' Interrogatory No. 24 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to products to which plaintiffs were exposed, and fails to identify the specific tests to which it refers.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any products and thus was not responsible for testing of any products. Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the "asbestos mittens" and "gloves" referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in the mittens or gloves was encapsulated in the product such that respirable fibers were not released from the product so as to constitute any hazard.

REQUEST FOR PRODUCTION NO. 15:

Please produce a true and correct copy of each test which Defendant conducted or caused to be conducted regarding the quantity, quality, or threshold limit value of asbestos dust, fibers, and/or particles to which workers were exposed while using, working with and/or around, installing and/or applying Defendant's asbestos-containing products (this Request for Production relates to Plaintiffs' Interrogatory No. 31 previously propounded to Defendant in this litigation).

RESPONSE:

Objection. Orr Safety objects to this request on the grounds that it is vague and ambiguous, in part because of its use of the term "Defendant's asbestos-containing products." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed. Orr Safety also objects to this request on the ground that it is misleading in that it assumes that workers were exposed to dust, fibers, and/or particles while "using, working with and/or around, installing and/or applying" any "asbestos-containing product."

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products.

REQUEST FOR PRODUCTION NO. 16:

For each product listed in response to Interrogatory No. 5, please produce a true and correct copy of all promotional or sales material including, but not limited to, brochures, pamphlets, catalogs, packaging, or other written materials of any kind or character.

RESPONSE:

Objection. Orr Safety objects to this request on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed. Orr Safety is not presently aware of any sales materials currently in its possession relating to any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 17:

Please produce a true and correct copy of all warnings, cautions, caveats or directions concerning the possible health effects of the products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 41 previously propounded to Defendant).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the "asbestos mittens" and "gloves" referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in the mittens or gloves was encapsulated in the product such that respirable fibers were not released from the product so as to constitute any hazard.

REQUEST FOR PRODUCTION NO. 18:

Please produce a true and correct copy of all written materials prepared by Defendant or Defendant's predecessors or any of Defendant's subsidiaries indicating how the products listed in response to Interrogatory No. 5 should be used or maintained by the ultimate user (this Request for Production relates to Plaintiffs' Interrogatory No. 43 previously propounded to Defendant).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous in its use of the term "written materials." Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the job sites, activities, and products to which plaintiffs were exposed, and fails to identify the specific subject matter of the "written materials" regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed. Orr Safety is not presently aware of any responsive documents currently in its possession relating to any asbestos-containing product.

REQUEST FOR PRODUCTION NO. 19:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products mined, manufactured, sold, marketed, installed, or distributed by Defendant (this Request for Production relates to Plaintiffs' Interrogatory No. 48 previously propounded to Defendant).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety is not presently aware of any documents currently in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 20:

Please produce a true and correct copy of statements from all people with knowledge of relevant facts to this lawsuit.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that and to the extent that it seeks information protected from disclosure by the attorney-client privilege, the attorney-work product doctrine, and/or the consulting expert privilege.

REQUEST FOR PRODUCTION NO. 21:

Please produce a true and correct copy of all documents which mention, allude or refer to tests performed on breathing devices to prevent the inhalation of asbestos dust and/or fibers (this Request for Production relates to Plaintiffs' Interrogatory No. 52 previously propounded to Defendant).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as time and is not limited to the activities and products to which plaintiffs were exposed.

REQUEST FOR PRODUCTION NO. 22:

Please produce a true and correct copy of all reports by experts that Defendant may call upon at the trial of this case (this Request for Production relates to Plaintiffs' Interrogatory No. 53 previously propounded to Defendant).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is premature and seeks information and documents protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety states that it will identify its experts and provide any required expert disclosures in accordance with any applicable court rule or court order or as otherwise may be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 23:

Please produce a true and correct copy of all policies of insurance under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

Orr Safety is not presently aware of any documents responsive to this request for production.

REQUEST FOR PRODUCTION NO. 24:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming an injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products, regardless of the manufacturer or seller of the products.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is vague and ambiguous. Orr Safety further objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited to the specific products to which plaintiffs were exposed and does not otherwise specify the products or the nature of the injury to which it refers.

Subject to and without waiving these objections, Orr Safety states that it is not presently aware of any documents in its possession responsive to this request for production.

REQUEST FOR PRODUCTION NO. 25:

Please produce a true and correct copy of all documents, correspondence or communications pertaining to all marketing, sales, negotiations, delivery or distribution of all of your asbestos-containing or industrial insulation products to all Defendants to this lawsuit other than the answering Defendant.

RESPONSE:

Objection. Orr Safety objects to this request for production on the ground that it is vague and ambiguous in its use of the undefined phrase "your asbestos-containing or industrial insulation products." Orr Safety further objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information or documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific job sites, activities, or products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing insulation products or industrial insulation products.

REQUEST FOR PRODUCTION NO. 26:

Please produce a true and correct copy of all documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos-containing products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

RESPONSE:

Objection. Orr Safety objects to this request for production on the ground that it is vague and ambiguous in its use of the phrase "your asbestos-containing products." Orr Safety further objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and because Orr Safety's employees, representatives, etc. are not at issue in this action. Orr Safety also objects to this request to the extent that it seeks information and documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products.

REQUEST FOR PRODUCTION NO. 27:

Please produce a true and correct copy of all annual reports of Defendant to employees or stock holders for the years 1960 through 1969 and for the past five years.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 28:

Please produce the originals or true and correct copies of all safety or health manuals, pamphlets or brochures issued by Defendant between 1930 and the present and any documents relating to whom said manuals were issued.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it seeks information from 1930 to the present and fails to identify the specific subject matter of the "safety or health manuals, pamphlets or brochures" regarding which it seeks information. Orr Safety further objects to this request on the grounds that it is vague and ambiguous in its use of the undefined terms "safety or health manuals, pamphlets, or brochures."

REQUEST FOR PRODUCTION NO. 29:

Please produce a true and correct copy of all safe workplace practices manuals, pamphlets or brochures issued by Defendant from 1900 through the present.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it seeks information from 1900 to the present and fails to identify the specific subject matter of the "safe workplace practices manuals, pamphlets or brochures" regarding which it seeks information. Orr Safety further objects to this request on the grounds that it is vague and ambiguous in its use of the undefined terms "safe workplace practices manuals, pamphlets or brochures."

REQUEST FOR PRODUCTION NO. 30:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Industrial Health Foundation or the Industrial Hygiene Foundation in the custody, possession or control of Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Orr Safety is not presently aware of any documents in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 31:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Trudeau Institute and Saranac Lake Laboratory in the custody, possession or control of Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Orr Safety is not presently aware of any documents in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 32:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA) in the custody, possession or control of Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Orr Safety is not presently aware of any documents in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 33:

Please produce a true and correct copy of all documents referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA) in the custody, possession or control of Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Orr Safety is not presently aware of any documents in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 34:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA) in the custody, possession or control of Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection, Orr Safety is not presently aware of any documents in its possession responsive to this request.

REQUEST FOR PRODUCTION NO. 35:

Please produce a true and correct copy of all documents relating to any conferences, symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; industrial hygiene; and/or worker or workplace health or safety.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 36:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos exposure.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because Orr Safety's employees are not at issue in this action.

REQUEST FOR PRODUCTION NO. 37:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because Orr Safety's employees are not at issue in this action. Orr Safety further objects to this request on the ground that it is duplicative of Request No. 36.

REQUEST FOR PRODUCTION NO. 38:

Please produce a true and correct copy of all documents to and/or from Defendant involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to

lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time. Orr Safety also objects to this request on the ground that and to the extent that it seeks information protected from disclosure by the attorney-work product doctrine and/or the consulting expert privilege.

REQUEST FOR PRODUCTION NO. 39:

Please produce a true and correct copy of all photographs, pictures, prints or any visual depiction at any time generated showing workers or any person or persons installing, applying, removing or in any manner handling or utilizing an asbestos-containing product at any time manufactured, sold or distributed by Defendant.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety is not presently aware of any documents in its possession responsive to this request for production.

REQUEST FOR PRODUCTION NO. 40:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product manufacturing facility or asbestos-containing product or product line.

RESPONSE:

Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited as to time or the specific products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured any asbestos-containing products.

REQUEST FOR PRODUCTION NO. 41:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product from any other Defendant in this case or to any other Defendant in this case.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the specific products to which plaintiffs were exposed, and plaintiffs have refused to provide a service list of all remaining defendants in this action.

Subject to and without waiving these objections, Orr Safety is not presently aware of any documents in its possession responsive to this request for production.

REQUEST FOR PRODUCTION NO. 42:

For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, the cross-claims or counter-claims of any party against Defendant, produce each and every document which will be offered to prove each and every affirmative defense. For each and every allegation of Defendant in cross-claim(s) asserted by Defendant in this litigation, produce each and every document which will be offered to prove each and every allegation in Defendant's cross-claim(s).

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is premature and seeks information that is protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety will identify its exhibits in accordance with the Ohio Rules of Civil Procedure, any applicable local rules or court orders, or as otherwise may be mutually agreed upon by the parties. Further answering, Orr Safety states that its investigation and discovery are ongoing and continuing. At this stage, Orr Safety lacks sufficient information regarding the claims asserted by plaintiffs to identify all of the documents and affirmative defenses that may be available to Orr Safety to defend the claims asserted against it in this action. Orr Safety will supplement its answer to this interrogatory.

REQUEST FOR PRODUCTION NO. 43:

Please produce a true and correct copy of every transcript of testimony of each witness Defendant intends to call at trial.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited as to time or subject matter. Orr Safety further objects to this request on the grounds that it seeks information protected from disclosure by the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 44:

Please produce a true and correct copy of each and every medical record in the custody, possession or control of Defendant relating to Plaintiffs in this case other than those medical records produced by Plaintiffs and provided to Defendants in this case.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Orr Safety further objects to this request on the grounds that it is premature and seeks information protected from disclosure by the attorney work product doctrine.

Subject to and without waiving these objections, Orr Safety states that it presently has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 45:

Please produce a true and correct copy of each and every document or other tangible item upon which Defendant will rely for impeachment or rebuttal purposes in the trial of this matter.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is premature and seeks information that is protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety will identify its exhibits in accordance with the Ohio Rules of Civil Procedure, any applicable local rules or court orders, or as otherwise may be mutually agreed upon by the parties. Further answering, Orr Safety states that its investigation and discovery are ongoing and continuing. As such, Orr Safety cannot possibly determine at this stage which documents or other tangible items will be used for impeachment or rebuttal purposes. Orr Safety will identify its exhibits in accordance with any applicable court rule or court order or as otherwise may be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 46:

Please produce a true and correct copy of each and every document, recording or other tangible item that constitutes in whole or in part a statement by Plaintiffs or a statement by any of Plaintiffs' witnesses in this matter.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Orr Safety further objects to this request on the grounds that it is premature and seeks information protected from disclosure by the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 47:

Please produce a true and correct copy of each and every photograph, videotape recording or other tangible item that is a photographic representation of Plaintiffs in this matter.

RESPONSE:

Objection. Orr Safety objects to this request for production on the ground that and to the extent that it seeks information protected from disclosure by the attorney work product doctrine.

Subject to and without waiving these objections, Orr Safety states that it presently has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 48:

Please produce a true and correct copy of all work records or other tangible items relating to Plaintiffs or their employers.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome, seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and lacks the specificity required under the Civil Rules to permit Orr Safety to provide a proper response. Orr Safety further objects to this request on the grounds that it is vague and ambiguous in its use of the phrase "other tangible items relating to Plaintiffs or their employers." Orr Safety also objects to this request on the grounds that it seeks information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and/or the consulting expert privilege.

REQUEST FOR PRODUCTION NO. 49:

Please produce a true and correct copy of every transcript, affidavit or sworn statement by each and every witness called by Defendant in any litigation related to insurance that may cover the claims in this case.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it is overbroad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Orr Safety further objects to this request on the ground that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 50:

For each document for which any privilege is asserted, produce an index containing the following information:

- (a) Author of document;
- (b) Position, title or affiliation of author;
- (c) Date of document;
- (d) Each recipient of the document
- (e) The position, title or affiliation of each recipient of the document;
- (f) The subject matter of the document with sufficient specificity to determine the matters discussed therein; and

- (g) The privilege(s) asserted.

RESPONSE:

Objection. Orr Safety objects to this request for production on the ground that it is overbroad, unduly burdensome, and subsection (f), in particular, seeks the disclosure of attorney-client privileged information.

Subject to and without waiving these objections, Orr Safety states that the only privileged documents of which Orr Safety is presently aware responsive to these requests for production are correspondence between counsel and Orr Safety relating to this litigation and its counsel's litigation files.

REQUEST FOR PRODUCTION NO. 51:

If Defendant claims that the documents are too voluminous to produce as requested, provide the following:

- (a) The numerical amount of documents responsive to requests herein;
- (b) The method of storage of documents responsive to requests herein;
- (c) The method of organization of documents responsive to requests herein;
- (d) The location of documents responsive to requests herein;
- (e) Whether there is an index or indices, lists, inventories, or other such information for records responsive to requests herein;
- (f) If there is an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is printed, or electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.).
- (g) If the index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.), the method of such storage and software used to create and/or maintain said an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein.

RESPONSE:

Objection. Orr Safety objects to this request for production on the ground that it is overbroad and unduly burdensome.

REQUEST FOR PRODUCTION NO. 52:

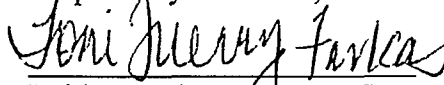
If any answer to requests herein is subject to an ongoing investigation or continuing discovery, provide the following information:

- (a) The person or persons responsible for the ongoing investigation or continuing discovery;
- (b) The means or methods used or being used for the ongoing investigation or continuing discovery;
- (c) The beginning date of such ongoing investigation or continuing discovery.

RESPONSE:

Objection. Orr Safety objects to this request for production on the grounds that it seeks information protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine. Orr Safety further objects to this request on the grounds that it is not a proper request for production of documents or things under Ohio Civ. R. 34.

Respectfully submitted,



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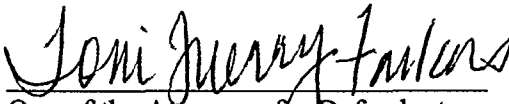
CERTIFICATE OF SERVICE

A copy of the foregoing was served via regular U.S. mail, postage prepaid, on the following this 15th day of February, 2002:

Ladd R. Gibke
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Attorneys for Plaintiffs



One of the Attorneys for Defendant
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