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GABRIEL A. JACKSON, State Bar No. 98119
gjackson@jirlaw.com
ANTHONY C. CHIOSSO, State Bar No. 209014
achiosso@jirlaw.com
JACKSON JENKINS RENSTROM LLP
55 Francisco Street, Suite 410
San Francisco, CA 94133
Tel: 415.982.3600
Fax: 415.982.3700

Attorneys for Defendant
EDWARD J. ORTON JR., CERAMIC FOUNDATION

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

ROGER PACKETT, individually and as
successor-in-interest to DONNA L.
PACKETT, deceased,

Plaintiffs,

v.

ALLCRAFT JEWELRY SUPPLY CO., et al.,
Defendants.

Case No. BC525735

**DEFENDANT EDWARD J. ORTON JR., CERAMIC
FOUNDATION'S RESPONSES TO PLAINTIFF'S
STANDARD INTERROGATORIES**

PROPOUNDING PARTY: Plaintiff ROGER PACKETT, individually and as successor-in-interest
to DONNA L. PACKETT, deceased

RESPONDING PARTY: Defendant EDWARD J. ORTON JR., CERAMIC FOUNDATION

Defendant EDWARD J. ORTON JR., CERAMIC FOUNDATION responds to Plaintiff's
Standard Interrogatories as follows:

PRELIMINARY STATEMENT

Because much of the information sought by Plaintiff involves, or relates to, events of
many years ago, it is difficult, if not impossible, for EDWARD J. ORTON JR., CERAMIC
FOUNDATION to retrieve or reconstruct some of the requested information. Many individuals
who might have had personal information of matters to which Plaintiff's discovery relates are

1 deceased or otherwise unavailable to EDWARD J. ORTON JR., CERAMIC FOUNDATION.
2 Documents which may have contained information relating to plaintiffs discovery are destroyed
3 or otherwise unavailable to Defendant. Documents which may have contained information
4 relating to matters addressed by Plaintiff's discovery requests may have been discarded
5 pursuant to EDWARD J. ORTON JR., CERAMIC FOUNDATION's normal records retention practices
6 or are otherwise no longer available. Information has been obtained from those records which
7 still exist and, to the extent reasonably feasible, from current and/or former employees.
8 Accordingly, EDWARD J. ORTON JR., CERAMIC FOUNDATION relays the information available to
9 it and reserves the right to supplement, amend or correct its responses in the event further or
10 more accurate information becomes available. EDWARD J. ORTON JR., CERAMIC FOUNDATION
11 has not yet completed investigating the facts relating to this case, has not completed discovery
12 in this action, and has not completed preparation for trial. All responses contained herein are
13 based only upon such information and documents which are presently available to and
14 specifically known to EDWARD J. ORTON JR., CERAMIC FOUNDATION. It is anticipated that
15 further discovery, independent investigation, legal research, and analysis will supply additional
16 facts, add meaning to the known facts, as well as establish entirely new factual conclusions and
17 legal contentions, all of which may lead to substantial additions to, changes in, and variations
18 from the responses herein set forth.

19 EDWARD J. ORTON JR., CERAMIC FOUNDATION reserves the right to introduce at trial
20 evidence which is presently unknown and/or is discovered subsequent to the date of these
21 responses and reserves the right to amend or supplement these responses without motion at
22 any time.

23 **GENERAL OBJECTIONS**

24 EDWARD J. ORTON JR., CERAMIC FOUNDATION objects to the extent that these
25 interrogatories are vague, ambiguous, overly broad, unduly burdensome and unlikely to the lead
26 to the discovery of admissible evidence. EDWARD J. ORTON JR., CERAMIC FOUNDATION also
27 objects to the definitions in the interrogatories on the basis that they are vague, ambiguous,
28 overly broad, unduly burdensome and unlikely to lead to the discovery of admissible evidence.

1 EDWARD J. ORTON JR., CERAMIC FOUNDATION further objects to these interrogatories to the
2 extent they seek to impose obligations greater than those imposed under California law, and
3 this response is in accordance only with the express requirements of California law. EDWARD J.
4 ORTON JR., CERAMIC FOUNDATION further objects to these discovery requests to the extent
5 that they seek material that is protected by the attorney-client privilege and attorney work
6 product doctrine. EDWARD J. ORTON JR., CERAMIC FOUNDATION objects to this entire set of
7 discovery requests on the grounds that it is not reasonably framed in terms of the facts and
8 subject matter of the present actions, with the result that EDWARD J. ORTON JR., CERAMIC
9 FOUNDATION is called upon to speculate as to what information is relevant to the present cases,
10 if any, and may be deemed to fall within the scope of the written discovery as phrased.
11 EDWARD J. ORTON JR., CERAMIC FOUNDATION objects to all interrogatories to the extent they
12 would require the disclosure of privileged or protected information.

13 These general objections are incorporated by reference into EDWARD J. ORTON JR.,
14 CERAMIC FOUNDATION's Responses to Plaintiff's Standard Interrogatories. All responses below
15 are subject to the general objections set out above, without waiving same, and are given
16 without prejudice to EDWARD J. ORTON JR., CERAMIC FOUNDATION's right to produce evidence
17 of any subsequently discovered facts.

18 **RESPONSES TO INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 Please state the full name, present business address, present residence, and capacity or
21 title of the individual answering or signing these Interrogatories on behalf of the answering
22 defendant.

23 **RESPONSE TO INTERROGATORY NO. 1:**

24 J. Gary Childress, 6991 Old 3C Highway, Westerville, Ohio, 43082, General Manager.

25 **INTERROGATORY NO. 14:**

26 Have you, at any time, engaged in the processing, marketing and sale of products
27 containing asbestos fibers?

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1 **RESPONSE TO INTERROGATORY NO. 14:**

2 No, Orton denies engaging in the processing, marketing, and sale of products containing
3 asbestos fibers.

4 **INTERROGATORY NO. 15:**

5 If your answer to Interrogatory No. 14 is in the affirmative, please state:

- 6 a. The trade or brand name of each such product, mined, manufactured and/or
7 marketed;
- 8 b. The dates that each of such products were placed on the market;
- 9 c. The dates that each of such products were withdrawn from the market;
- 10 d. A description of the physical (i.e., chemical) composition of each such product,
11 including the type of asbestos contained in each such product (i.e., amosite, chrysotile or
12 crocidolite), the quantitative percentage of asbestos in each product, each non-asbestos
13 chemical contained in each such product:
- 14 e. A description of the physical appearance of each such product;
- 15 f. A detailed description of the intended use of each such product;
- 16 g. The name of the manufacturer of each such product;
- 17 h. The mining or milling concern from which the raw asbestos fiber was obtained.

18 **RESPONSE TO INTERROGATORY NO. 15:**

19 Not applicable. Orton denies engaging in the processing, marketing, and sale of products
20 containing asbestos fibers.

21 **INTERROGATORY NO. 16:**

22 Have any of the products listed in Interrogatory No. 15 been altered in chemical
23 composition or asbestos type or content since first being marketed?

24 **RESPONSE TO INTERROGATORY NO. 16:**

25 Not applicable.

26 **INTERROGATORY NO. 17:**

27 If so, please state:

- 28 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.

RESPONSE TO INTERROGATORY NO. 17:

Not applicable.

INTERROGATORY NO. 22:

Do you have any records which reflect sales of each of the products identified by you in Interrogatory No. 15 above for each year said products were sold?

RESPONSE TO INTERROGATORY NO. 22:

Not applicable.

INTERROGATORY NO. 23:

If your answer to the preceding Interrogatory is in the affirmative, please state:

- a. A description of said records or documents sufficient to permit Plaintiff to describe such documents for purposes of a notice to produce or a motion for production of documents;
- b. The name, business address and telephone number, employer, and job title of the person or persons having present custody of or control over the original of said documents.

RESPONSE TO INTERROGATORY NO. 23:

Not applicable.

INTERROGATORY NO. 24:

For the period 1930 to the present, do you have any written memoranda, specifications or other written materials of any kind or character relating to the testing of the health effects of products identified in Interrogatory 15 above? If so, please describe with sufficient particularity to satisfy the requirements of a subpoena duces tecum.

RESPONSE TO INTERROGATORY NO. 24:

Not applicable.

INTERROGATORY NO. 25:

Did you make any design changes as a result of such tests?

RESPONSE TO INTERROGATORY NO. 25:

Not applicable.

INTERROGATORY NO. 26:

If so, please state:

a. The nature of the change made, the name, address and job classification of each person in charge of making a change.

RESPONSE TO INTERROGATORY NO. 26:

Not applicable. Orton denies engaging in the processing, marketing, and sale of products containing asbestos fibers.

INTERROGATORY NO. 27:

Have you, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials (aside from any caution labels on containers) of any kind or character that contain any warnings, cautions, caveats, or directions concerning the possibility of injury resulting from the use of the products listed in Interrogatory 15 above?

RESPONSE TO INTERROGATORY NO. 27:

Not applicable.

INTERROGATORY NO. 28:

From 1930 until the present, did the asbestos products manufactured or distributed by you, contain any warnings, cautions, caveats or other statements on the product or its packaging?

RESPONSE TO INTERROGATORY NO. 28:

Not applicable.

INTERROGATORY NO. 29:

If so, please state:

a. When did the warning first appear?

b. What was the precise wording of the warning, when it first appeared?

c. Was the warning altered, amended or changed in any manner? If so, how and

when?

- 1 d. Where was the warning located on the product or packaging?
- 2 e. When did you become aware of warnings placed on products distributed by other
- 3 manufacturers or suppliers of asbestos or asbestos containing products?
- 4 f. State the manner in which your product is shipped and the type of container in
- 5 which it is shipped to retailers;
- 6 g. State whether any industrial psychologists or human factors engineers were
- 7 consulted prior to utilizing such warnings, cautions, etc.

8 **RESPONSE TO INTERROGATORY NO. 29:**

9 Not applicable.

10 **INTERROGATORY NO. 30:**

11 When did you first receive notice that any person claimed injury as a result of exposure

12 to asbestos or asbestos containing products manufactured and/or sold by you?

13 **RESPONSE TO INTERROGATORY NO. 30:**

14 Orton first learned of a claimed injury allegedly resulting from exposure to asbestos or

15 asbestos-containing product manufactured or sold by Orton in 2004.

16 **INTERROGATORY NO. 31:**

17 With respect to the claim described in Interrogatory 30, please state:

- 18 a. The name and address of the claimant;
- 19 b. The date of notice of the claim;
- 20 c. A description of the claim, i.e., Workers' Compensation, products liability, etc.;
- 21 d. The type of injuries allegedly sustained;
- 22 e. The name and address of the attorney who represented the individual making
- 23 such claim;
- 24 f. The style and court number of the claim if any;
- 25 g. The resolution of the claim.

26 **RESPONSE TO INTERROGATORY NO. 31:**

- 27 a. Daniel Bearer
- 28 B. June 2004.

- c. Products Liability
- d. Personal Injury
- e. Sean Worsey, Levine, Simses & Kaiser, 160 Sansome Street, San Francisco, CA 94104
- f. Case No. 429528
- g. Settlement.

INTERROGATORY NO. 32:

Do you have policies of insurance that cover the claims that have been made by Plaintiff herein?

RESPONSE TO INTERROGATORY NO. 32:

This Interrogatory exceeds the scope of permissible discovery relating to insurance policies and is also objectionable insofar as it calls for a legal conclusion, i.e., a determination of what insurance policies might cover the claims made by Plaintiff, which determination depends on many factors presently unknown, such as the governing law, choice of rules which determine same, applicable trigger of coverage, etc. Moreover, any theory upon which Plaintiff asserts that Orton is liable, said allegations, such as products, locations, manifestation of disease, nature of the alleged asbestos related disease, or other facts or circumstances which may potentially affect what insurance agreements may be available. Since any agreement to indemnify depends upon the actual facts upon which Orton's liability, if any, is predicated, the Interrogatory is premature, as well.

INTERROGATORY NO. 33:

If so, please list the names of each insurance carrier with whom you have coverage, the amount of such coverage, and the dates of each such policy.

RESPONSE TO INTERROGATORY NO. 33:

Orton has coverage which involves multiply policy dates. Orton identifies insurance policies issued by Liberty Mutual, Crumm & Forrester and Peerless.

INTERROGATORY NO. 34:

Please describe in detail the type of packages in which you have sold asbestos material,

listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademark that appeared thereon.

RESPONSE TO INTERROGATORY NO. 34:

Not applicable. Orton denies selling, distributing, etc. any asbestos-containing products or materials. Answering further, Orton pyrometric cones were and are supplied in boxes that contain the name "Orton" and related text.

INTERROGATORY NO. 35:

For the period 1930 to January 1, 1978, did you receive any reports or communications from your Workers' Compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing products? If so, please state who had possession of said reports, the location of said reports, and the substance of the contents of said reports, listing for each such report the respective insurance company, its address and the agent signing such correspondence.

RESPONSE TO INTERROGATORY NO. 35:

Orton is unaware of having received any such document.

INTERROGATORY NO. 36:

Have you imported asbestos or asbestos materials since 1930?

RESPONSE TO INTERROGATORY NO. 36:

Orton denies having engaged in any such activity.

INTERROGATORY NO. 37:

If the answer to the preceding Interrogatory is in the affirmative, please state:

- a. From where the asbestos or asbestos materials were imported;
- b. How long you have imported asbestos or asbestos materials?
- c. Whether you have supplied this imported asbestos or asbestos materials to any of the other defendants since 1945, when these transactions took place and where;
- d. Whether any warnings, cautions, caveats, or directions accompanied the materials referred to in subpart (c) above, and the date these first appeared.

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RESPONSE TO INTERROGATORY NO. 37:

Not applicable.

INTERROGATORY NO. 38:

If you have discontinued manufacturing and/or selling any asbestos products, please state the reason or reasons therefore.

RESPONSE TO INTERROGATORY NO. 38:

Orton denies ever manufacturing or selling any asbestos products.

INTERROGATORY NO. 39:

Have any other manufacturers or suppliers of asbestos or asbestos containing products ever furnished you with information as to the state of medical knowledge regarding the connection between asbestos exposure and the contracting of cancer or asbestosis?

RESPONSE TO INTERROGATORY NO. 39:

No.

INTERROGATORY NO. 40:

If the answer to the preceding Interrogatory is in the affirmative, please state:

- a. What information was furnished to you;
- b. The date the information was furnished to you;
- c. The names of all parties who furnished the information to you.

RESPONSE TO INTERROGATORY NO. 40:

Not applicable.

INTERROGATORY NO. 41:

Have any manufacturers or suppliers of asbestos or asbestos containing products furnished you or have you furnished any other manufacturers or suppliers of asbestos or asbestos containing products the results of any research, tests, medical studies or experiments regarding the state of the medical knowledge as to the connection between asbestos exposure and the contracting of cancer or asbestosis, since 1930?

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1 **RESPONSE TO INTERROGATORY NO. 41:**

2 Not applicable. Orton is unaware of any such information it has furnished, or that has
3 been furnished to it, by manufacturers or suppliers of asbestos or asbestos containing products.

4 **INTERROGATORY NO. 42:**

5 If the answer to the preceding Interrogatory is in the affirmative, please state :

- 6 a. When each took place;
7 b. Who participated in each;
8 c. A summary of the content of each documents or communication.

9 **RESPONSE TO INTERROGATORY NO. 42:**

10 Not applicable.

11 **INTERROGATORY NO. 43:**

12 Have you ever conducted or sponsored or contributed financially to any studies or
13 research to determine if the inhalation of asbestos fibers may be harmful? If so, please state:

- 14 a. By whom the research was conducted, giving complete names and addresses;
15 b. The dates that each such test was conducted;
16 c. The complete results of each test or study;
17 d. Whether you will supply copies of reports of the research department pertaining
18 to the use of the corporation of asbestos and their manufactured insulation products, without
19 the necessity of a formal notice to produce or motion to produce documents, and, if so, please
20 attached said copies to your answers to Interrogatories.

21 **RESPONSE TO INTERROGATORY NO. 43:**

22 No.

23 **INTERROGATORY NO. 44:**

24 State the names and addresses of your chief medical officers from 1930 until the present
25 time, listing the periods of time each such medical officer was employed by you, and in what
26 capacity.

27 **RESPONSE TO INTERROGATORY NO. 44:**

28 Not applicable. Orton is unaware of ever having employed a chief medical officer.

1 **INTERROGATORY NO. 45:**

2 Name the person in the corporate structure to whom the chief medical officer reports,
3 also giving that person's position or job title in the corporation.

4 **RESPONSE TO INTERROGATORY NO. 45:**

5 Not applicable. Orton is unaware of ever having employed a chief medical officer.

6 **INTERROGATORY NO. 46:**

7 Please state the duties and responsibilities of the corporation's chief medical officer.

8 **RESPONSE TO INTERROGATORY NO. 46:**

9 Not applicable. Orton is unaware of ever having employed a chief medical officer.

10 **INTERROGATORY NO. 47:**

11 Please state the names and addresses of all physicians who were employed, retained, or
12 otherwise engaged by you at any of your facilities from the year 1930 until the present time for
13 the purposes of evaluating, diagnosing or treating pulmonary complaints or problems in past,
14 present or prospective employees.

15 **RESPONSE TO INTERROGATORY NO. 47:**

16 Not applicable. Orton is unaware of ever having employed, retained, or otherwise
17 engaged a physician for the purpose described.

18 **INTERROGATORY NO. 48:**

19 Please state the names and addresses of all persons employed by you from 1930 through
20 January 1, 1978 who functioned as industrial hygienists. As contemplated by these
21 Interrogatories, an industrial hygienist is one that performs engineering or health studies to
22 identify and evaluate potential occupational health hazards, and suggests methods of dealing
23 with same. With respect to each person employed by you as an industrial hygienist, please state:

- 24 a. The facility or office to which each was assigned;
25 b. His or her complete and precise duties and responsibilities.

26 **RESPONSE TO INTERROGATORY NO. 48:**

27 Not applicable. Orton is unaware of ever having employed an industrial hygienist.

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1 **INTERROGATORY NO. 49:**

2 Did your medical officers, physicians or industrial hygienists at any time, ever make any
3 recommendations and/or suggestions to you pertaining to the risks or hazards to persons
4 involved in the manufacturing or use of insulation products containing asbestos? If so, please
5 state:

- 6 a. Where the recommendations were made;
7 b. To whom they were made;
8 c. By whom they were made;
9 d. The substance of each recommendation.

10 **RESPONSE TO INTERROGATORY NO. 49:**

11 Not applicable. Orton is unaware of ever having employed a medical officer, physician,
12 or industrial hygienist.

13 **INTERROGATORY NO. 50:**

14 Please state the names of trade association periodicals to which you subscribed from
15 1928 to January 1, 1978. State whether or not during said period, you had any knowledge of any
16 articles being printed in industry trade journals, essays, memoranda, and other similar sources
17 pertaining to the hazardous potentials of asbestos, and please further state which of such
18 articles were received by you.

19 **RESPONSE TO INTERROGATORY NO. 50:**

20 American Ceramic Society. Orton is unaware of any such articles.

21 **INTERROGATORY NO. 51:**

22 Name those organizations, groups, inter-company or industrial organizations, their
23 committees or subcommittees, to which you belong which conducted studies or researched
24 relationships, if any, between exposure to asbestos fibers or products and asbestosis and lung
25 cancer, from 1945 to 1970 and the years of your membership.

26 **RESPONSE TO INTERROGATORY NO. 51:**

27 Orton is unaware if the American Ceramic Society conducted such studies or research.

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INTERROGATORY NO. 52:

Have you received copies of transcribed minutes of the various committee meetings, subcommittee meetings, general meetings and Board of Director meetings of any organization listed in Answer to Interrogatory No. 51 within one year of such meetings?

RESPONSE TO INTERROGATORY NO. 52:

Orton is unaware of receiving any such documents from the American Ceramic Society..

INTERROGATORY NO. 53:

Please state the amounts you have spent or contributed annually, from 1930 until January 1, 1978, for research specifically directed to the relationship, if any, between an exposure to asbestos containing products and mesothelioma asbestosis, lung cancer, or any other pulmonary disease.

RESPONSE TO INTERROGATORY NO. 53:

Orton is unaware of any such spending or contributions.

INTERROGATORY NO. 54:

Please state the amount you have annually contributed through January 1, 1978 to any independent medical research group or groups conducting research into the relationship, if any, between exposure of those employees who work with asbestos containing products to asbestos and any pulmonary disease.

RESPONSE TO INTERROGATORY NO. 54:

Orton is unaware of any such spending or contributions.

INTERROGATORY NO. 55:

Please state the names and addresses of the organizations or groups conducting the studies referred to in your answer to Interrogatories 53 and/or 54 above.

RESPONSE TO INTERROGATORY NO. 55:

Not applicable. Orton is unaware of any such spending or contributions.

INTERROGATORY NO. 56:

Have you had a department, division or section devoted to scientific and/or medical

research during the period from 1930 until January 1, 1978? If so, please state its title(s) and when it was first formed.

RESPONSE TO INTERROGATORY NO. 56:

No.

INTERROGATORY NO. 57:

Please state the scientific or medical periodicals to which you, your medical department or industrial hygiene division subscribed during the period between 1930 and 1964, specifying the date such subscriptions were begun.

RESPONSE TO INTERROGATORY NO. 57:

Not applicable.

INTERROGATORY NO. 58:

Please state whether any of your asbestos containing products were provided with any special instructions, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amount of dust exceeding threshold limit values. If so, state:

- a. When these instructions were given;
- b. By whom these instructions were given;
- c. Whether the instructions were oral or written;
- d. The precise content of the instructions;
- e. If the instructions were written, please attach a copy of the instructions.

RESPONSE TO INTERROGATORY NO. 58:

Not applicable.

INTERROGATORY NO. 59:

Did any representatives of yours attend the 20th annual meeting of the IHF in November, 1955, in Pittsburgh, Pennsylvania? If so, give the name and current address of each such attendee.

RESPONSE TO INTERROGATORY NO. 59:

No.

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1 **RESPONSE TO INTERROGATORY NO. 60:**

2 Have you received a copy or copies of the Industrial Hygiene Digest published monthly by
3 the IHF, and if so, state the date of initial receipt of such publication.

4 **RESPONSE TO INTERROGATORY NO. 60:**

5 No.

6 **INTERROGATORY NO. 61:**

7 Have you ever requested IHF officials to:

8 a. Perform a search of the medical literature to determine whether any scientists or
9 doctors were reporting cases of asbestosis and/or lung cancer in ship workers, mechanics, or
10 others working with or exposed to asbestos containing products, or discussing the potential
11 hazards incident to use of asbestos containing products;

12 b. Perform any studies or research into potential health hazards incident to the use
13 of asbestos containing products;

14 c. Review governmental publications of Great Britain for determining whether
15 research was being conducted by the British government into any potential health hazards
16 incident to the use of insulation products containing asbestos;

17 d. Review governmental publications of Great Britain to determine whether the
18 Chief Inspector of Factories , or any other British government agency, had issued any 5 62.
19 regulations or published any findings relative to any potential health hazards
20 incident to the use of insulation products containing asbestos.

21 **RESPONSE TO INTERROGATORY NO. 61:**

22 No.

23 **INTERROGATORY NO. 62:**

24 Did you at any time prior to January 1, 1980 warn any labor union representing ship
25 workers, mechanics, or others working with or exposed to asbestos containing products, of any
26 potential health hazards from the use of insulation products containing asbestos?

27 **RESPONSE TO INTERROGATORY NO. 62:**

28 No.

1 **INTERROGATORY NO. 63:**

2 If the answer to the preceding Interrogatory is in the affirmative, please state :

- 3 a. The name of the union ;
4 b. How said union was informed;
5 c. The date and place of said information or warning;
6 d. The content and nature of said warning;
7 e. The individual or individuals warned.

8 **RESPONSE TO INTERROGATORY NO. 63:**

9 Not applicable.

10 **INTERROGATORY NO. 64:**

11 State the name of all persons who have acted in the capacity of medical librarian for you
12 from 1930 to January 1, 1978, give their current address, telephone number, and current
13 position with the company.

14 **RESPONSE TO INTERROGATORY NO. 64:**

15 Not applicable. Orton never employed or otherwise engaged a medical librarian.

16 **INTERROGATORY NO. 65:**

17 State whether you ever subscribed to or received copies of the Asbestos Worker
18 magazine and state the years of subscription or receipt of this magazine.

19 **RESPONSE TO INTERROGATORY NO. 65:**

20 No.

21 **INTERROGATORY NO. 66:**

22 Please state whether you subscribe to the Asbestos magazine, and list the inclusive dates
23 of your subscription.

24 **RESPONSE TO INTERROGATORY NO. 66:**

25 No.

26 **INTERROGATORY NO. 67:**

27 Please identify all booklets, manuals, journals, and all publications directed from you
28 prior to January 1, 1980 to customers and users of all asbestos containing products and the dates

1 said information was forwarded regarding the proper use and application of your asbestos
2 containing products.

3 **RESPONSE TO INTERROGATORY NO. 67:**

4 Not applicable.

5 **INTERROGATORY NO. 68:**

6 Please describe and identify all tests and experiments conducted by you prior to January
7 1, 1980 to determine whether or not asbestos fibers contained within your asbestos containing
8 products would become airborne upon their being applied by asbestos workers or helpers.

9 Please state the dates of all tests and experiments , the results, and conclusions of each test
10 and/or experiment.

11 **RESPONSE TO INTERROGATORY NO. 68:**

12 Not applicable.

13 **INTERROGATORY NO. 69:**

14 At any time prior to 1964, were any tests or studies conducted or sponsored by you to
15 Determine:

16 a. The level of dust or fiber concentrations incident to:

- 17 i. Cutting or sawing your insulation products containing asbestos;
- 18 ii. In placing the product on (1) pipes; (2) boilers ;
- 19 iii. Tearing down the product during repair and maintenance functions;
- 20 iv. Mixing asbestos containing products.

21 b. Whether long term (20 years or more) exposure to insulation products containing
22 15% asbestos or less for work periods less than 8 hours a day, both indoors and outdoors, which
23 resulted in the liberation of asbestos dust or fiber below 5 million particle per cubic foot (mppef)
24 might cause asbestosis or expose such worker to an increased statistical risk of contracting;

- 25 i. Brochogenic cancer;
- 26 ii. Mesothelioma (pleural or peritoneal);
- 27 iii. Gastrointestinal cancer.

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1 **RESPONSE TO INTERROGATORY NO. 69:**

2 Not applicable. Answering further, No.

3 **INTERROGATORY NO. 70:**

4 State the date and the source from which you received your first notice and awareness
5 of TLV's pertaining to the concentration of airborne asbestos fibers.

6 **RESPONSE TO INTERROGATORY NO. 70:**

7 Not applicable. Orton denies engaging in the processing, marketing, and sale of products
8 containing asbestos.

9 **INTERROGATORY NO. 71:**

10 Between 1930 and 1978, did you hear from any source of an alleged association between
11 asbestos exposure and the development of cancer, asbestosis and pulmonary disease.

12 **RESPONSE TO INTERROGATORY NO. 71:**

13 Orton became aware of the alleged association when it received material safety data
14 from WR Grace. Orton is unsure of specifically when this occurred.

15 **INTERROGATORY NO. 72:**

16 State when your knowledge as to the alleged association between the inhalation of
17 asbestos fibers and contraction of cancer and asbestosis was first acquired, and state the source
18 of that information.

19 **RESPONSE TO INTERROGATORY NO. 72:**

20 Orton became aware of the alleged association when it received material safety data
21 from WR Grace. Orton is unsure of specifically when this occurred. Answering further, Orton
22 was generally aware of the alleged association but is unaware of any other specific information,
23 or source thereof, reflecting that alleged association.

24 **INTERROGATORY NO. 73:**

25 Do you subscribe to the United States Public Health Bulletin Service ? If so, please state
26 the date when you first so subscribed to the Public Health Service Bulletin.

27 **RESPONSE TO INTERROGATORY NO. 73:**

28 No.

INTERROGATORY NO. 74:

Please state the date when, if ever, you first notified your employees working in your manufacturing plants and factories as to the need to wear and use respirators.

RESPONSE TO INTERROGATORY NO. 74:

Not applicable.

INTERROGATORY NO. 75:

Please state the date when you first notified asbestos workers applying your asbestos insulation products as to the need to wear and use respirators.

RESPONSE TO INTERROGATORY NO. 75:

Not applicable.

INTERROGATORY NO. 76:

Have you ever published bulletins warning your employees concerning the hazards of inhaling asbestos and coming into contact with your asbestos containing products? If so, describe sufficiently for purposes of a notice to produce all such bulletins.

RESPONSE TO INTERROGATORY NO. 76:

No.

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1 **INTERROGATORY NO. 77:**

2 Have any of your officers, agents, servants or employees ever testified before any
3 governmental body regarding the possible harmful effects of asbestos exposure? If so, please
4 state :

- 5 a. When and where such testimony was given;
6 b. A summary of said testimony;
7 c. If said testimony was recorded, and if so, attach a copy to the answer to these
8 Interrogatories.

9 **RESPONSE TO INTERROGATORY NO. 77:**

10 No.
11 DATED: July 11, 2014

JACKSON JENKINS RENSTROM LLP

12
13 By: /s/ Anthony C. Chiosso
14 ANTHONY C. CHIOSSO
15 Attorneys for Defendant
16 EDWARD J. ORTON JR., CERAMIC
17 FOUNDATION FILE CO. OF AMERICA, INC.
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PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I, the undersigned, declare that I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 55 Francisco Street, 4th Floor, San Francisco, California 94133. On the date indicated below, I electronically served the following document(s):

DEFENDANT EDWARD J. ORTON JR., CERAMIC FOUNDATION'S RESPONSES TO PLAINTIFF'S STANDARD INTERROGATORIES

on interested parties in this action by causing Lexis Nexis E-Service program to transmit a true copy thereof to the email address(es) of the following party(ies):

Simmons Browder Gianaris, et al.	and
100 North Sepulveda Blvd.	
Suite 1350	***Please See File & Serve Xpress Service
El Segundo, CA 90245	List***
T: (310) 322-3555	
F: (310) 322-3655	

The above document(s) were transmitted by Lexis Nexis E-Service and the transmission was reported as complete without error.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct and was executed on July 11, 2014, at San Francisco, California.

Is/ Tyhera Payton
Tyhera Payton