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October 20, 2000

Mr. Mark Meyer
Goldberg, Persky, Jennings & White, P.C.
1030 Fifth Avenue, Third Floor
Pittsburgh, Pennsylvania 15219-6295

Re: *Gloria Picciuto v. A Best Products Co.*
Cuyahoga County Case No. 391071
Zurn Industries Responses to Plaintiff's Discovery

Dear Mark:

Enclosed you will find Zurn Industries, Inc.'s Objections and Responses to Plaintiff's Request for Production of Documents and Property; and Zurn Industries, Inc.'s Objections and Answers to Plaintiff's Interrogatories. As you are aware, Zurn Industries is only a Defendant in the *Picciuto* case. My records show we are not a Defendant in the *Marcinko* case listed in the caption. Please advise me, if by chance, we are a Defendant in the *Marcinko* case and I am not aware of it.

If you have any questions regarding these Answers to Interrogatories, please do not hesitate to contact me.

Sincerely yours,



Kevin O. Kadlec

KOK/sev
Enclosures

Users/Kadlec/Meyer 10-20-00.ltr

IN THE COURT OF COMMON PLEAS OF CUYAHOGA COUNTY, OHIO

JOHN MARCINKO, EXECUTOR
For the ESTATE OF
GENEVIEVE MARCINKO, and
JOHN MARCINKO in his own right

CASE NUMBER 362681

GLORIA PICCIUTO, EXECUTRIX
For the ESTATE OF
MIKE PICCIUTO

CASE NUMBER 391071

Plaintiffs,

JUDGE HARRY HANNA

vs.

A-BEST PRODUCTS COMPANY, INC.,
et al.,

Defendants.

**ZURN INDUSTRIES INCORPORATED'S OBJECTIONS AND ANSWERS
TO PLAINTIFFS' INTERROGATORIES**

COMES NOW, **ZURN INDUSTRIES INCORPORATED** (hereinafter referred to as "Zurn"), Defendant in the above-entitled causes of action, and serves this its Objections and Answers to Plaintiffs' Interrogatories.

Respectfully submitted,

BONEZZI, SWITZER, MURPHY
& POLITO CO. L.P.A.

KEVIN O. KADLEC

State Bar No. _____

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ATTORNEY FOR DEFENDANT
ZURN INDUSTRIES INCORPORATED

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been sent to counsel for Plaintiffs by certified mail, return receipt requested, and a copy of the cover page only to all other known counsel of record by regular mail, on this _____ day of August, 2000.

GENERAL OBJECTIONS

1. Zurn objects to these discovery requests on the grounds that they are overly broad and beyond the scope of product identification in this litigation.
2. Zurn also objects to the form, as well as the ambiguous and compound nature of many of the discovery requests, in addition to the false predicates contained herein.
3. Many of the questions call for expert opinion and narrative answers not proper for these discovery requests. Zurn asserts that the expert opinions and the basis of the opinions are known to Plaintiff's attorneys from disclosure of such opinions in this case and others. These discovery requests are therefore calculated to be duplicative and harassing.
4. Zurn objects on the ground these discovery requests are vague and/or ambiguous.
5. Zurn objects on the grounds these discovery requests are unduly burdensome.
6. Zurn objects to any discovery request which implies or assumes that plaintiffs actually have an asbestos-related injury. The burden of proof is on the plaintiffs to prove that they have an asbestos-related disease, and Zurn has a constitutional right to deny the same.
7. Zurn objects to any discovery request which requests information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
8. Zurn objects to the "Definitions" preceding these discovery requests to the extent they attempt to redefine the meaning of the terms listed as found in the Rules of Civil Procedure or commonly accepted English usage. Zurn has responded to this discovery on the assumption that the terms used therein are to be given their usual and customary meaning and objects to any attempt to force the use of some other standard.
9. Zurn objects to Plaintiffs' discovery requests for the reason that they, and their subparts, exceed the maximum number allowable under the Rules of Civil Procedure. Notwithstanding these objections and in the spirit of cooperation, Zurn will provide answers to these interrogatories subject to and without waiving said objection.
10. Zurn objects to Plaintiffs' discovery requests to the extent they seek information from its present or former attorneys that is privileged work product. Defendant specifically objects to the extent these discovery seek disclosure of any information or material that is subject to the attorney/client privilege, work-product privilege, investigative privilege, consulting expert privilege, party communications privilege, joint defense privilege, and/or any other applicable privilege or immunity.

11. Zurn objects to the extent Plaintiffs' discovery requests seek information or material pertaining to alleged injuries or damages other than of the character allegedly suffered by plaintiff in this specific case on the ground that such information is not relevant to any issue in these cases and is not reasonably calculated to lead to the discovery of admissible evidence.
12. Zurn objects to the extent these discovery requests seek information prior or subsequent to the date of plaintiff's alleged exposure to Defendant's product(s), as such information is not relevant to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence.
13. Zurn objects to the extent that these discovery requests seek information that includes proprietary information and trade secrets. Information that identifies trade secrets will be redacted from any documents produced.
14. Zurn objects to the extent that these discovery requests seek information or documents which, due to the passage of time or other reasons, are not in the possession, custody or control of Zurn. Such requests call for documents or information outside the scope of permissible discovery.
15. Zurn objects to the extent that these discovery requests require Zurn to provide information which is equally available to Plaintiffs as it is to Zurn or seeks information in the public domain or in published medical or scientific literature.
16. Zurn objects to the extent that these discovery requests are not limited to a specified Zurn product to which a Plaintiff herein claims exposure in a specified time frame at a specified job site.
17. Zurn objects to any definition within these requests that purports to require response on behalf of any entity other than the corporation on which process in this action was served or to require the provision of information and documents regarding predecessors and divisions that are not relevant to this litigation.

All of these objections are incorporated by reference and adopted as to each and every discovery request contained herein, and are specifically alleged as set forth in the responses to Plaintiffs' individual Interrogatories and Requests for Production.

PRELIMINARY STATEMENT

Plaintiffs' Interrogatories and Requests for Production, hereinafter referred to as "discovery requests", concern events which occurred years ago. Because much of the information relates to events of many years ago, it is difficult, if not impossible, for this Defendant to retrieve or reconstruct much of the requested information. Many of the individuals who might have had

personal knowledge of the matters to which Plaintiffs' discovery relate are deceased or otherwise unavailable to Defendant, and investigations to date indicate that at least some information and documents that might relate to matters inquired into by Plaintiffs' discovery many have been destroyed pursuant to normal document retention policy or are otherwise unable to be found. Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of such information or documents and is in a continuing investigation with respect to the matters inquired into by Plaintiffs' discovery. The responses are believed to be accurate as of the date of filing, but Zurn's investigation of the underlying facts is continuing. If further discovery of additional facts adds meaning to the known facts or establishes new factual conclusions or legal contentions, these responses will be supplemented if required by applicable law. Thus, the following responses are made without prejudice to Zurn's right to produce evidence of any subsequently discovered fact or facts Zurn may later recall. Zurn accordingly reserves the right to amend or supplement any and all responses herein, if permitted or required by applicable law, as additional facts are ascertained, or as the contentions of the plaintiffs herein may be discovered or amended. Furthermore, these Responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these Responses as a result of mistake, error or oversight. To the extent information contained herein differs in any material respect from any prior responses to this or other discovery, these responses shall be deemed to update and supersede such prior responses to the extent they may be inconsistent.

Zurn was a manufacturer of industrial steam generating equipment that is primarily sold to knowledgeable and sophisticated commercial customers. Zurn does not concede that its boilers were "asbestos-containing products."

Neither Zurn, nor any company it controlled, purchased or acquired, ever mined, milled or sold raw asbestos. Neither Zurn, nor any company it controlled, purchased or acquired, ever made or manufactured asbestos-containing thermal insulation products. Certain Zurn boilers may have had components that contained asbestos-containing thermal insulation products. Upon information and belief, Plaintiffs claim exposure to asbestos-containing components of boilers formerly manufactured and sold by Zurn or its predecessor entities. As such, Zurn's Responses apply only within that scope and context. Zurn's responses are limited to those divisions and predecessors which manufactured or supplied products believed to be at issue herein which may have contained component parts that had some asbestos content.

Plaintiffs' discovery requests are addressed to a corporation which has no independent knowledge of much of the information supplied in these responses. Zurn Industries, Inc. refers to and is limited to the officers and directors of Zurn Industries, Inc. located in Dallas, Texas and those Zurn Industries, Inc. employees or agents who the Company believes are responsible for and who are in possession of corporate documents or information that is responsive to Plaintiffs' discovery requests. The information supplied in these responses is based on the knowledge of Zurn's employees and authorized agents regarding the products believed to be at issue in this litigation and the individual attesting to the responses may not have personal knowledge of the matters stated herein.

The responses contained herein are made in a good faith effort to supply as much factual information and as much specification of legal contentions as is currently available, but in no way should prejudice Zurn in relation to further discovery, research, or analysis.

Zurn incorporates by reference this preliminary statement into each answer to each Interrogatory and/or Request for Production replied to herein.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

Did defendant at any time take any action to inform users and/or those exposed to asbestos-containing products of the existence of a Threshold Limit Value (TLV) for asbestos.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is vague, ambiguous, overbroad in scope, unduly burdensome and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is unlimited in time and is not limited to information regarding or relevant to any product, if any, at issue in this litigation. Moreover, the Interrogatory is argumentative and harassing to the extent that it assumes without evidence that Defendant had a duty to review or inform anyone of the existence or contents of any particular TLV. Subject to and without waiving these objections, Defendant did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames. Defendant presently has no information to indicate whether it made or received any communications concerning threshold limit values for asbestos.

INTERROGATORY NO. 2:

If the answer to Interrogatory No. 1 is affirmative, answer the following:

- (a) When did defendant first take such action:
- (b) What did defendant do;
- (c) How often, and on what occasions did defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

See Objection and Response to Interrogatory No. 1.

INTERROGATORY NO. 3:

Did defendant at any time take any action to inform users and/or those exposed to asbestos-containing products of the recommendations of the 1946 Fleischer Drinker Study in

Conclusion 2 from that study that "the operations of hand saw cutting, grinding, cement mixing and installation . . . should be equipped with exhaust ventilation to keep the total dust concentration low¹."

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and overbroad. It is not limited to a relevant time frame, product and job site. Moreover, the Interrogatory is argumentative and harassing to the extent that it assumes without evidence that Defendant had a duty to review or inform anyone of the contents of any particular study or article. Subject to and without waiving its objections, Zurn has no present information to indicate that it ever received a copy of said study or article.

INTERROGATORY NO. 4:

If the answer to Interrogatory No. 3 is affirmative, answer the following:

- (a) When did defendant first take such action;
- (b) What did defendant do;
- (c) How often, and on what occasions did defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

See Objections and Response to Interrogatory No. 3.

INTERROGATORY NO. 5:

Did defendant at any time take any action to inform users and/or those exposed to asbestos-containing products of the recommendations of the 1946 Fleischer Drinker Study on Page 15 of that study that "the suggestions made relative to exhaust ventilation and respiratory protection are . . . of value in maintaining . . . low incidence of asbestos."

ANSWER:

See Objections and Response to Interrogatory No. 3.

¹As used herein, the 1946 Fleischer Drinker Study refers to "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Walter E. Fleischer, Frederick J. Viles, Jr., Robert L. Gade and Philip Drinker which appeared in the Journal of Industrial Hygiene & Toxicology in January 1946.

INTERROGATORY NO. 6:

If the answer to Interrogatory No. 5 is affirmative, answer the following:

- (a) When did defendant first take such action;
- (b) What did defendant do;
- (c) How often, and on what occasions did defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

See Objections and Response to Interrogatory No. 5.

INTERROGATORY NO. 7:

Describe in full any actions defendant took at any time to inform users and/or those exposed to asbestos-containing products of either:

- (a) Suggestions regarding exhaust ventilation when using asbestos products and/or;
- (b) Suggestions regarding respiratory protection when using asbestos products.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or product at issue in this litigation. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information to indicate whether such suggestions were made. However, Zurn did not manufacture any of the asbestos-containing components utilized "as is" without substantial change in certain of its boiler products at certain times and, on information and belief, it had no information to indicate that its boiler products posed any asbestos hazards.

INTERROGATORY NO. 8:

In regard to your Answer to Interrogatory 7(a) and 7(b), state the following for each:

- (a) When did defendant first take such action;
- (b) What did defendant do;
- (c) How often, and on what occasions did defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

See Objections and Response to Interrogatory No. 7.

INTERROGATORY NO. 9:

Identify each and every asbestos-containing product manufactured, and/or sold, and/or distributed, and/or marketed and/or supplied by this defendant at anytime between 1930 and the present, and for each such product provide the following:

- (a) The date such activity began;
- (b) The years during which such activity took place;
- (c) The date when such activity was terminated;
- (d) If such activity was terminated, the reason(s) why;
- (e) The geographical area into which you claim the asbestos-containing product(s) were sold;
- (f) Identify the organizational unit of defendant so engaged;
- (g) The site(s) at which each such product was manufactured;
- (h) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (This interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (i) The specific type of asbestos fiber, i.e., chrysotile, amosite, crocidolite, used as a component of each asbestos-containing product;
- (j) The temperature ranges for which each product(s) was intended to be used;
- (k) The product's generic name;
- (l) The product's trade or brand name;
- (m) The container in which the product was shipped, (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (n) A description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared in the package;
- (o) Whether the word "asbestos" was used on the package;
- (p) A detailed description of the intended method of preparation and application of the product;
- (q) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame and job site involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation.

Subject to and without waiving such objections, Zurn responds as follows:

(A)-(Q) Zurn and its predecessor, Erie City Ironworks, manufactured, marketed and sold industrial steam generating equipment. Such equipment was manufactured in Erie, PA. The trade or brand names of these products were Erie City or Zurn. Some of the package boilers may also have been termed Keystone Boilers. Some boilers may have been designated Waste Heat.

Defendant was a manufacturer of industrial steam generating equipment that was primarily sold to knowledgeable and sophisticated commercial customers. Because of the temperature demands inherent in a steam generating system, certain boilers may have incorporated asbestos-containing thermal insulation and sealing components at some points in time. Defendant did not manufacture such asbestos-containing components, but utilized them "as is" without material change. On information and belief, such products were located under the metal lagging or otherwise encapsulated.

Erie City began manufacturing and selling steam generating systems as early as 1840, but it is unknown when asbestos components were first incorporated. Zurn first manufactured and sold steam generating systems, some of which may have contained asbestos-containing thermal insulation or sealing components, in 1966.

Since Defendant did not manufacture the asbestos containing components which may have been incorporated "as is" without material change into certain of its boiler products during certain time frames, Defendant has no knowledge as to the composition or asbestos content, percentage or type of asbestos which may have been present in the thermal insulation and sealing products which were incorporated into its products. On information and belief, many of such products presumably contained chrysotile asbestos. Defendant's steam generating systems were generally designed to the customer's specifications. Therefore, the amount of insulation used varied depending on the size and temperature requirements.

On information and belief, Zurn became generally aware that asbestos in some forms and under some circumstances of use might pose health hazards at approximately the same time as did the general public in the early 1970s. On information and belief, asbestos was removed from block

by the manufacturers of such products, in 1972. It is currently believed that Zurn discontinued using asbestos-containing thermal insulation materials in approximately this time frame. Other asbestos-containing components, such as gaskets and rope, were also eliminated as their manufacturers offered suitable alternatives.

Defendant manufactured steam generating systems designed for extremely high steam temperatures. As such, they were not sold in packages as that term is used in this Interrogatory. The size of such equipment precluded packaging it as that term is used and implied in this Interrogatory.

INTERROGATORY NO. 10:

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

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

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site at issue in this litigation. Subject to and without waiving such objections, not to present knowledge.

INTERROGATORY NO. 11:

Did Defendant ever sell or purchase any asbestos-containing product and rebrand the product, or allow or cause it to be rebranded. If so, please state the following as to each such rebranded product:

- (a) The original brand name, trade name and manufacturer of the product;
- (b) Who performed the physical rebranding and where was it accomplished;
- (c) Brand name and trade name used after the rebranding;
- (d) User or seller of the product after rebranding;

- (e) Dates beginning, ending and during which the rebranding of the product took place;
- (f) Identify all documents reflecting any terms or conditions incident to the rebranding of a product; and,
- (g) Summarize the financial consideration (including amounts) between the participants in the rebranding arrangement.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site at issue in this litigation. Subject to and without waiving such objections, not to present knowledge.

INTERROGATORY NO. 12:

For each and every asbestos-containing product required to be identified in your answer to Interrogatory No. 9 above, state as to each product the date and quantity sold, supplied or shipped to each of the locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity:

ANSWER:

Defendant objects to this interrogatory on the grounds it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame and product at issue in this litigation. Moreover, it is argumentative and assumes without evidence that Defendant's products were sold to job sites at issue in this litigation. Subject to and without waiving such objections, existing Zurn records relating to its steam generating equipment are maintained by boiler number. Therefore, only if a boiler number is provided, can Defendant search its records to determine whether any responsive documents exist. Without this information, it will be difficult, if not impossible, to determine whether any responsive documents exist.

INTERROGATORY NO. 13:

Please state whether you sold or distributed asbestos-containing products to any wholesaler, distributor, hardware store or other merchant in the State of Ohio.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site at issue in this litigation. Subject to and without waiving such objections, Zurn did not have distributors; it sold directly to its customers.

INTERROGATORY NO. 14:

If your answer was affirmative to Interrogatory No. 13 above, please state the following:

- (a) The name of the business or person to which you distributed or sold products;
- (b) Their address;
- (c) The type and quantity of products sold or distributed.

ANSWER:

See Objections and Response to Interrogatory No. 13.

INTERROGATORY NO. 15:

Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, vessels or other structures present within steel mills or other commercial and industrial job sites? If so, please state:

- (a) The name of said business;
- (b) The date of commencing business and cessation of business, if applicable;
- (c) Type of construction or tear out performed;
- (d) State whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, levers, etc., i.e. gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) State whether said business performed construction, installation, or tear out of asbestos-containing products at any site listed on Attachment "A";
- (f) State the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Attachment "A";
- (g) Provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

(A)-(G) Zurn objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably

calculated to lead to the discovery of admissible evidence. On information and belief, Zurn has been sued in this litigation because Plaintiffs claim exposure to boilers manufactured and sold by Zurn. Plaintiffs should limit their discovery to the products, job sites and time frames allegedly at issue.

INTERROGATORY NO. 16:

Have any of your officers, employees or representatives visited any of the locations identified in Exhibit "A" to Interrogatory No. 12 in the course of his/her employment for the purpose, among others, of promoting, selling, or discussing the use of asbestos-containing products or for the purpose, among others, of discussing, inspecting or reviewing the use of asbestos-containing products or for the purpose of discussing, inspecting or reviewing the health and safety aspects of a workplace where asbestos-containing products were used or were to be used? If so, describe:

- (a) the name, address and title of each individual who visited said plant;
- (b) the date of each visit;
- (c) the purpose of each visit;
- (d) who at employer's plant he or she saw or spoke to on each occasion;
- (e) any documents relating, referring or pertaining thereto.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is compound, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to a relevant product and time frame. Subject to and without waiving such objections, although there were no visits specifically for the purpose of promoting, selling or discussing the use of asbestos, Defendant contracted to install a two drum boiler at Bowling Green University in Bowling Green, Ohio in 1964. Defendant contracted to modify the same boiler in 1974.

INTERROGATORY NO. 17:

Identify all managers and sales personnel responsible for your sales of any asbestos containing or industrial insulation products in Ohio and the Ohio River Valley in Pennsylvania, West Virginia, Ohio and Kentucky from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible

evidence. The Interrogatory is not limited to a relevant product, time frame and job site. Subject to and without waiving such objections, Defendant and its relevant predecessor, Erie City, employed many persons over many decades. It does not maintain historical lists of managers and sales personnel for the broad areas and time frames listed.

INTERROGATORY NO. 18:

Before marketing and/or selling and/or using any asbestos-containing and/or industrial insulation products, did you or anyone on your behalf conduct any pre-marketing or pre-sale or pre-use tests concerning the safety of such products? If your answer is in the affirmative, please state:

- (a) the particular products upon which such tests were performed;
- (b) when such tests were performed;
- (c) by whom such tests were performed;
- (d) where such tests were performed;
- (e) what test or tests were performed;
- (f) the results of any such tests.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, nor is it limited to tests relating to asbestos. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any studies, tests, or analysis regarding asbestos because Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products. Pressure vessels manufactured by Zurn were inspected before shipment by an authorized insurance inspector.

INTERROGATORY NO. 19:

Before marketing and/or selling and/or using asbestos-containing and/or industrial insulation products, did you or anyone on your behalf conduct a search or review of the medical and scientific literature concerning potential health hazards associated with such product or any product component, including but not limited to asbestos and fiber glass? If your answer is in the affirmative, please state:

- (a) the particular activities performed;
- (b) when such activities were performed;

- (c) by whom such activities were performed;
- (d) to whom the results of such activities were reported or communicated.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is argumentative, vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame. On information and belief, fiberglass is not at issue in this litigation. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any such searches or reviews because Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames and it had no information to indicate that any asbestos health hazards were posed by its boiler products.

INTERROGATORY NO. 20:

When did you first become aware of the relationship between exposure to asbestos and the development of the following medical conditions in any individual so exposed:

- (a) asbestosis;
- (b) lung cancer;
- (c) mesothelioma.

This interrogatory is specifically not limited with respect to the nature of an individual's exposure to asbestos or occupation and is directed towards the recognition of such associations with respect to any asbestos exposed individual, regardless of whether such exposure occurred in a mining, milling, manufacturing, construction, repair or other setting.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, it seeks expert medical opinion which this Defendant is not qualified to render. Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Further, the Interrogatory does not specify what level or type of exposure is claimed to be at issue. The interrogatory fails to

distinguish between different fiber types and ignores important factors such as differences in the friability of asbestos fibers in different products, different uses of asbestos-containing products, different exposures of individuals at different work sites, engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures.

Subject to and without waiving these objections, Zurn is a corporation, which has employed numerous persons throughout the course of its business, any one of whom may have obtained varying degrees of knowledge regarding asbestos and asbestos-related diseases at varying points in time. When it, as a corporation, obtained any particular knowledge cannot be determined. Defendant is generally aware that, depending on the frequency, regularity, proximity and duration of particular exposures to certain levels of certain types of friable asbestos fibers, and assuming an appropriate latency period exists and other causes have been excluded, there may be a possible connection between asbestos exposure and asbestosis, lung cancer and mesothelioma. When Zurn first obtained such awareness as a corporate entity cannot be presently determined. At present, it is believed that Zurn became generally aware that certain asbestos exposures might be harmful in the same time frame as did the general public, in the early 1970s. Defendant is not currently nor has it ever been aware of any clinical, epidemiological, toxicological, industrial hygiene, medical and/or scientific literature or study demonstrating that its products caused asbestos-related adverse health consequences. On information and belief, the Zurn boiler products allegedly at issue did not release harmful levels of respirable asbestos fibers.

INTERROGATORY NO. 21:

State whether this defendant at any time caused to be performed any air samples, tests or other activities to determine the amount of asbestos fiber released into the air, if any, during the handling, fabrication, application, installation, tear-out or any other activity involving the use, as distinguished from the manufacture, of any asbestos-containing products. If your answer is in the affirmative, please state:

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

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any such tests because Zurn

did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products.

INTERROGATORY NO. 22:

State whether this defendant at any time caused to be conducted on any job site, any air sampling, dust counts, tests or other activities for the purpose of determining the amount of asbestos fiber, if any, which is or was released through the manufacture, handling, fabrication, application, installation, removal or other activities involving any asbestos-containing products. If your answer is in the affirmative, please indicate:

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

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site. It is also argumentative to the extent that it assumes without evidence that Zurn had any access to the premises of others for the conduct of testing or any duty or obligation to conduct such tests. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any such tests because Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products.

INTERROGATORY NO. 23:

State when, if at all, this defendant became aware of the following publications and for each such publication identify who or whom received such knowledge and all documents relating to such acquisition of information:

- (a) Murray, H.M. Department Committee on Compensation for Industrial Disease Minutes of Evidence. Appendices and Index. London: Wyman and Sons, 1907, pp. 127-128. (1906 Montague Murray report of fatal asbestosis case)

- (b) Merewether, E.R.A. "The Occurrence of Pulmonary Fibrosis and Other Pulmonary Affections in Asbestos Workers", J. Indust. Hyg. 12:198-222, 239-257 (1930).
- (c) Merewether, E.R.A. and C.W. Price. Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry. H.M. Stationary Ofc. (1930)
- (d) Lanza, A.J. W.J. McConnell, and J.W. Fehnel. "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers", Publ. Health Rep. 50:1-12 (1935)
- (e) Dreesen, W.C., et al., A Study of Asbestosis in the Asbestos Textile Industry. Public Health Bull. No. 241, Washington, D.C.: U.S. Public Health Service, (1938).
- (f) Fleischer, W.E., et al. "A Survey of Pipecovering Operations in Constructing Naval Vessels", J. Indust. Hyg. Tox. 28:9-16 (1946).
- (g) "Asbestosis and Cancer of the Lung", J.A.M.A. 140:1219-1220 (1949)
- (h) Isselbacher, J.J., H. Klaus and H.L. Hardy, "Asbestosis and Bronchogenic Carcinoma", Amer. J. Med. 15:721-732 (1953)
- (i) Doll, R., "Mortality from Lung Cancer in Asbestos Workers", Brit. J. Indust. Med. 12:81-86 (1955)
- (j) Wagner, J.C., C.A. Sleggs, and P. Marchand, "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province", Brit. J. Indust. Med. 17:260-271 (1960).

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and overbroad. It is not limited to a relevant time frame. Moreover, the Interrogatory is argumentative and harassing to the extent that it assumes without evidence that Defendant had a duty to review or inform anyone of the contents of any particular study or article. Defendant further objects to the extent this Interrogatory seeks information protected by the attorney-client or work product privilege. Subject to and without waiving its objections, Zurn has no present information to indicate that it ever received a copy of any listed study or article.

INTERROGATORY NO. 24:

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

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is

not limited to a relevant product, time frame or job site. Moreover, conditions in Defendant's plants, unrelated to its finished end products, are irrelevant to this litigation. Subject to and without waiving such objections, Defendant states that it presently lacks documents or other information that would enable it to answer this question. However, Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boilers during certain time frames. On information and belief, such components were located under metal lagging or otherwise encapsulated. When Zurn learned of the potential dangers of asbestos in the early 1970s, it discontinued the incorporation of asbestos-containing thermal insulation components in its products thereafter.

INTERROGATORY NO. 25:

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

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

ANSWER:

See Objections and Response to Interrogatory No. 24.

INTERROGATORY NO. 26:

With respect to the period from 1930 to 1980, state the name, address and company title or position of any managers or personnel who at any time during that period had responsibility over or were in charge of the following activities with regard to each of the asbestos-containing products and/or industrial insulation products identified in answer to Interrogatories 9 and 39:

- (a) production;
- (b) marketing;
- (c) labeling;
- (d) advertising;
- (e) product evaluation;
- (f) research and development;
- (g) distribution;
- (h) use;

- (i) safety and precautions;
- (j) education of workers;
- (k) sales.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to a relevant product, time frame and job site. Subject to and without waiving such objections, Defendant and its relevant predecessor, Erie City, employed many persons over many decades. It does not maintain historical lists of personnel for the broad areas and time frames listed.

INTERROGATORY NO. 27:

Have you ever hired or employed on a part-time basis or as a consultant any physician for the purpose of obtaining advice or information concerning potential health effects of any asbestos-containing product and/or industrial insulation product which you at any time manufactured, distributed or sold? If your answer is in the affirmative, please provide the following:

- (a) the name of each such physician;
- (b) his or her current or last known address;
- (c) the date on which such physician was hired or consulted;
- (d) the reason for hiring or consulting such physician;
- (e) the date on which such employment or consultation terminated;
- (f) the current or last known address of each such individual.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time or to any relevant product. Subject to and without waiving its objections, Defendant responds that Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames. Neither Zurn nor its predecessor had a Medical Department or employed a corporate medical officer. A medical doctor was available on-call, but not for the purposes inquired about in this Interrogatory.

INTERROGATORY NO. 28:

Have you ever employed on a full-time or part-time basis or as a consultant an industrial hygienist? If so, please: (1) identify each such individual by name; (2) include the dates of any such employment or consultation and the reasons therefore, (3) identify each such person's current or last known address, and; (4) state when such position was first filled by this defendant.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time or to any relevant product. Subject to and without waiving its objections, Defendant responds that Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames. Neither Zurn nor its predecessor employed an industrial hygienist or had an industrial hygiene department.

INTERROGATORY NO. 29:

State the names and addresses of any inter-company or industrial organizations or groups to which you belong or at anytime since 1930 belonged, including but not limited to:

- (a) Asbestos Textile Institute;
- (b) National Insulation Manufacturers Association;
- (c) Thermal Insulation Manufacturers Association;
- (d) Quebec Asbestos Mining Association;
- (e) Asbestos Information Association;
- (f) Industrial Health Foundation;
- (g) Industrial Hygiene Foundation;
- (h) Iron and Steel Institute;
- (i) National Safety Counsel;
- (j) Refractories Institute; and
- (k) Any other inner-company or industrial organizations or groups;

For each such membership provide the following:

- (a) dates of membership;
- (b) requirements of membership as to each;
- (c) amount of money you contributed annually as to each organization;
- (d) person(s) who attended meetings of each such organization and/or acted as liaison with each organization.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame.

Subject to and without waiving such objections, Defendant is a large, decentralized company and it and its predecessor, Erie City, employed numerous persons over the course of many decades. Defendant's employees may have held memberships in various organizations from time to time, but Defendant has no central repository for information of this type. As such, it is impossible for it to identify all organizations to which its employees may have belonged in the past, whether any of its employees attended meetings or received publications from organizations and whether any publications that may have been received by individual employees still exist today. At present, Defendant is able to state only that it has no information to indicate that it held memberships in any of the listed organizations. From time to time, Defendant has held memberships in other organizations and groups, including ASME and the ABMA.

INTERROGATORY NO. 30:

If you contend that asbestos-containing products which you manufactured, sold, or distributed and/or used were not dangerous to the health of persons coming into contact with same, state all facts, opinions, conclusions, supporting such contention and identify each such product, and as to such product identify all documents and any other information upon which you rely and identify all individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, calls for a legal conclusion and requires this Defendant to address issues of law which are not appropriate pursuant to the Rules of Civil Procedure. Moreover, the interrogatory seeks expert medical opinion, which this Defendant is not qualified to render. The Interrogatory is not limited to a relevant product, time frame and job site. Subject to and without waiving its objections, Zurn defers to experts as to the conditions and circumstances under which asbestos fibers may be released. However, the asbestos-containing components utilized "as is" without material change in certain of Defendant's boilers during certain time frames were located under metal lagging or otherwise encapsulated.

INTERROGATORY NO. 31:

Describe what action or actions, if any, this defendant took at any time prior to 1965 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos-containing dust.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site. Defendant further objects to the extent this Interrogatory may invade the attorney-client or work product protections. Subject to and without waiving such objections, on information and belief, Zurn first learned that asbestos might be harmful in the same general time frame as did the general public in the early 1970s. Zurn has no information to indicate when, if ever, it received any information regarding threshold limit values or maximum allowable concentrations of asbestos dust or asbestos-containing dust. Since Zurn did not manufacture the asbestos-containing components that were utilized "as is" without material change in certain of its boiler products during certain time frames and had no information to indicate that asbestos hazards were posed by its boiler products, it had no reason to advise any one of threshold limit values or maximum allowable concentrations for asbestos dust or asbestos-containing dust.

INTERROGATORY NO. 32:

Describe what action or actions, if any, this defendant took at any time prior to 1970 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos-containing dust.

ANSWER:

See Objections and Response to Interrogatory No. 31.

INTERROGATORY NO. 33:

Describe what action or actions, if any, this defendant took at any time prior to 1975 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos-containing dust.

ANSWER:

See Objections and Response to Interrogatory No. 31.

INTERROGATORY NO. 34:

For each and every asbestos-containing product describe any and all statements, labels, instructions, information or visual depiction of any sort which you contend appeared at any time on any such product or product package for the purpose of alerting, advising or informing any user, purchaser or distributor of any such products with respect to: (1) potential or alleged hazards associated or allegedly associated with use of such products, and/or (2) safe usage of such products.

For each response provide as follows:

- (a) the product or package on which such information allegedly appeared;
- (b) the time period during which such information allegedly appeared;
- (c) the precise language of any such statement or information;
- (d) the size of any such statement or information in toto and as to individual letters;
- (e) the size of any package or container upon which any such statement or information allegedly appeared;
- (f) the location on such product or package on which such statement or information allegedly appeared.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product and time frame, nor is it limited to asbestos health hazards. Subject to and without waiving such objections, since Zurn did not manufacture the asbestos-containing components utilized "as is" without material change in certain of its boiler products during certain time frames and had no information to indicate that asbestos health hazards were posed by its boiler products, it did not place warnings on its steam generating systems or equipment concerning asbestos. Since Defendant sold large, steam generating systems, its products were not "packaged" as that term is used and understood in this Interrogatory.

INTERROGATORY NO. 35:

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

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;

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

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site. Subject to and without waiving such objections, existing Zurn records relating to its steam generating equipment are maintained by boiler number. Many documents, such as sales cards, relating to Zurn steam generating equipment have been purged due to inactivity or were otherwise destroyed pursuant to normal document retention policies or were transferred to the purchaser when Zurn's Energy Division was sold to Aalborg Keystone, Inc. in 1997.

INTERROGATORY NO. 36:

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

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

ANSWER:

See Objections and Response to Interrogatory No. 35.

INTERROGATORY NO. 37:

State whether, prior to 1975, any of your employees has ever made a claim for, or was provided benefits voluntarily for, occupational disease including pulmonary disease or injury, pneumoconiosis of any sort, silicosis, asbestosis, lung cancer or mesothelioma under any state or federal compensation statute, including but not limited to, the Longshoreman and Harbor Workers Compensation Act. If your answer is in the affirmative, provide as follows:

- (a) the date on which you first received notice of any such claim for asbestosis lung cancer or mesothelioma under any state or federal occupational disease or compensation statute;
- (b) the date on which you first voluntarily provided benefits under any state or federal occupational disease or compensation statute to any employee for asbestosis, lung cancer or mesothelioma;
- (c) on a year-by-year basis, through 1975, state the total number of your employees or your predecessors-in-interests employees who filed claims for occupational lung disease and in so doing state the number of claims or cases of asbestosis, lung cancer or mesothelioma for each year and for each such year state the number of employees who actually received benefits under any state or federal occupational disease or compensation statutes for asbestosis, silicosis, lung cancer or mesothelioma for the period of 1930 until 1975.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to asbestos claims, if any, related to any product of this Defendant at issue in this litigation, but presumably inquires into claims arising out of conditions in Defendant's plants totally unrelated to Defendant's boiler products. On information and belief, silica is not at issue in this litigation. Moreover, the Interrogatory improperly seeks confidential, privileged information that may impact employee privacy rights. Subject to and without waiving such objections, Defendant is presently aware of no workers' compensation claims involving asbestos prior to 1975.

INTERROGATORY NO. 38:

State whether you have been named as a defendant in any lawsuit previous to 1975 by users or person who actually or allegedly were exposed to any asbestos or asbestos-containing products for alleged injury or disease. If your answer is in the affirmative, provide the date on which each such lawsuit was filed against you, the forum in which said suit was filed, the style of such action and the docket designation of each such suit.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product and time frame. Subject to and without waiving such objections, Defendant is presently aware of no asbestos lawsuits in which it was named as a Defendant prior to 1975.

INTERROGATORY NO. 39:

Identify each and every asbestos-containing product manufactured, and/or sold, and/or distributed, and/or marketed and/or supplied by this defendant at anytime between 1950 and the present, and for each such product provide the following:

- (a) The date such activity began;
- (b) The years during which such activity took place;
- (c) The date when such activity was terminated;
- (d) If such activity was terminated, the reason(s) why;
- (e) The geographical area into which you claim the asbestos-containing product(s) were sold;
- (f) Identify the organizational unit of defendant so engaged;
- (g) The site(s) at which each such product was manufactured;
- (h) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (This interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (i) The temperature ranges for which each product(s) was intended to be used;
- (j) The product's generic name;
- (k) The product's trade or brand name;
- (l) The container in which the product was shipped, (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) A description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared in the package;
- (n) Whether the word "asbestos" was used on the package;
- (o) A detailed description of the intended method of preparation and application of the product;
- (p) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is duplicative. See Objections and Response to Interrogatory No. 9.

INTERROGATORY NO. 40:

For each and every asbestos-containing product required to be identified in your answer to Interrogatory No. 39 above, state as to each product the date and quantity sold, supplied or shipped to each of the locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity.

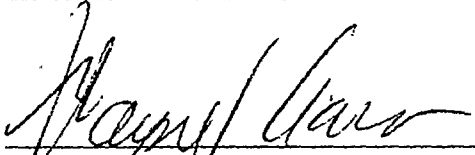
ANSWER:

Defendant objects to this interrogatory on the grounds it is duplicative. See Objections and Response to Interrogatory No. 12.

VERIFICATION

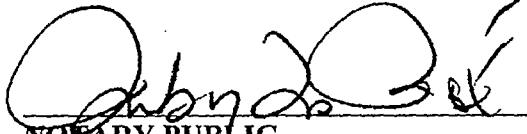
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared **WAYNE AARON**, to me well known to be an authorized representative for the Defendant, **ZURN INDUSTRIES, INC.**, in the above-entitled and numbered cause, and being by me duly sworn, stated upon oath that he is duly qualified and authorized to make the attached Objections and Answers to Plaintiffs' Interrogatories pursuant to the laws of the State of Ohio, that he has read the answers, and they are true and correct in every respect, and that he did execute the answers in his stated capacity.



WAYNE AARON

SWORN TO AND SUBSCRIBED BEFORE ME this 14th day of September, 2000, to certify which witness my hand and official seal.



NOTARY PUBLIC

My Commission Expires: 09/14/00

