

FILE NAME: Reddaway Manufacturing (REDD)

DATE: 1993

DOC#: REDD005

DOCUMENT DESCRIPTION: Legal – Defense's Responses to Plaintiff's Interrogatories

EXHIBIT

tabbles

27
4-13-12

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

Adeline Malvey, as trustee for
the heirs of Ralph Erickson,

Case Type: Wrongful Death
ASBESTOS/CAREY

Plaintiff, ANSWERS OF REDDAWAY
MFG. CO., INC. TO

vs.

PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS, SET I

ABEX Corporation, et al

File No. 19-C5-90-6550

Defendants.

TO: PLAINTIFF ABOVE-NAMED AND HER ATTORNEYS, HERTOGS, FLUEGEL,
SIEBEN, POLK, JONES & LAVERDIERE, P.A., 999 WESTVIEW DRIVE,
HASTINGS, MINNESOTA 55033

COMES NOW defendant Reddaway Mfg. Co., Inc. and for its
answers to plaintiff's interrogatories and request for production
of documents, set I:

1. Give the correct current name of the named defendant, its
state of incorporation (if a corporation), the full street
address of its principal place of business, its agent for
service of process in the State of Minnesota (other than the
Secretary of State), and state whether it is registered to
do business in the State of Minnesota.

ANSWER: Reddaway Mfg. Co., Inc. ("Reddaway"), incorporated
in the State of New Jersey in 1890, street address
of principal place of business is 32 Euclid
Avenue, Newark, New Jersey 07105, no agent for
service of process in the State of Minnesota, not
registered to do business in the State of
Minnesota.

2. If you claim insufficiency of service of process and/or lack
of personal or subject matter jurisdiction as a defense to
all or part of this action, state all facts in support of
such defense or defenses.

ANSWER: During the past 12 years, Reddaway has had a
distributor in Minnesota, Brake & Equipment
Warehouse, Inc., 455 Northeast Harrison Street,
Minneapolis, Minnesota. Prior to that time,
Reddaway does not believe it sold in Minnesota.

Reddaway understands that the plaintiff's decedent was not a resident of Minnesota at any material time and that the alleged exposure to asbestos occurred in France in the year 1946.

3. Identify all companies (defunct or extant) which are or were related to the named defendant in any way (for example, as parent, subsidiary, predecessor-in-interest, successor-in-interest, surviving or non-surviving company in a merger, seller or purchaser of assets, etc.) and which at any time mined, milled, manufactured, sold or distributed asbestos or products containing asbestos, and state in full detail the corporate history of those companies, including their corporate relationships.

ANSWER: None.

4. Describe in detail all asbestos products mined, milled, manufactured, sold or distributed by you, including the name of the company, the name of the product, the precise composition of the product, and the period of manufacture of the product.

ANSWER: Reddaway originally manufactured fire hoses and camel's hair belting. It currently manufactures non-asbestos clutch and brake lining. From sometime in the decade of the 1930's until November 17, 1986, Reddaway incorporated asbestos yarn, from time to time, into clutch and brake linings. Reddaway is unable to determine whether or not its clutch and brake lining products during 1940 to 1946 did or did not contain asbestos. Investigation is continuing.

5. Describe in detail all insurance coverage which may apply to any liability established by this action, including identity of carriers, period of coverage, and amount of coverage available.

ANSWER: Reddaway has the following insurance, although coverage may be disputed:

INSURER	POLICY NO.	DATES OF COVERAGE
General Accident	40743	12/31/62-12/31/63
General Accident	431396	12/31/63-12/31/64
General Accident	442817	12/31/64-12/31/65
General Accident	462495	12/31/65-12/31/66

General Accident	GLA36-624-73	12/31/66-12/31/67
General Accident	GLA37-217-04	12/31/67-12/31/68
General Accident	GLA38-852-59	12/31/68-12/31/69
General Accident	GLA38-852-59	12/31/69-12/31/70
General Accident	GLA39-753-11	12/31/70-12/31/71
General Accident	GLA40-299-39	12/31/71-12/31/72
General Accident	GLA90-781-77	12/31/72-12/31/73
General Accident	GLA42-068-79	12/31/73-12/31/74
General Accident	GLA42-677-15	12/31/74-12/31/75
General Accident	GLA43-371-30	12/31/75-12/31/76
General Accident	GLA44-391-95	12/31/76-12/31/77
General Accident	GLA45-419-01	12/31/77-12/31/78
Union Indemnity	UGL 10339	3/31/81-9/23/81
Northbrook	22-1002	9/31/81-9/23/82
Northbrook	22-12389	9/23/82-9/23/83
United National	GA85706	9/23/83-5/14/84

6. If you claim to have at any time provided to insulators or insulation contractors any warning or caution concerning any danger from inhalation of asbestos fibers, give all particulars concerning the same, including dates, contents, manner of communication, and (if printed) size.

ANSWER: No answer required.

7. State when and how you first learned that inhalation of asbestos fibers could cause death or serious permanent lung disability.

ANSWER: Not known.

8. If you still mine, mill, manufacture, sell or distribute asbestos or asbestos-containing products, give the names and contents of those products, where they are sold, and an exact description of any cautionary or warning information accompanying them.

ANSWER: No answer required.

9. When did you first manufacture, sell or distribute insulation materials which did not contain asbestos?

ANSWER: Reddaway has not manufactured, sold or distributed insulation materials.

10. When did you first manufacture, sell or distribute insulation materials which did not contain asbestos as a substitute for asbestos-containing insulation?

ANSWER: Reddaway has not manufactured, sold or distributed insulation materials.

11. Have you ever taken any measure to reduce or eliminate asbestos fibers from your products?

ANSWER: Yes.

12. If your answer to Interrogatory No. 11 is in the affirmative, describe those measures in detail and give the dates they were developed or implemented, and the reason therefor.

ANSWER: Asbestos was removed from products in November 17, 1986. Technology was developed to blend non-asbestos substitutes, there was increasing consumer demand for products which did not contain asbestos and asbestos scrap disposal was becoming prohibitively expensive.

13. If you continued to sell asbestos insulation products in the United States after August 1, 1973, did you take any measures to avoid sales of such products in Minnesota? If so, describe those measures in detail.

ANSWER: Reddaway has not sold asbestos insulation products.

14. (For purposes of this interrogatory, the word "claim" shall mean a workers' compensation claim, a civil legal action, or simply an informal notification of an assertion of a right to compensation.) As to all claims made against you before 1970 concerning alleged disease or death from exposure to asbestos fibers, state the following:

- a. Name and last known address of claimant;
- b. Name and last known address of person with disease, if other than claimant;

*Warnings
on product
sometime
in 1971*

- c. Date and manner of first notification of claim;
- d. Nature of disease alleged;
- e. Manner of exposure (e.g., insulation worker, factory worker, etc.) and number of years exposed;
- f. Full case titles and file number if a formal proceeding of any type was commenced;
- g. Name and last known address of claimant's attorney;
- h. Resolution of claim (settlement or verdict; amount paid, if any).

ANSWER: No such claims known.

15. If you have ever taken any measures (such as warnings, cautions, provision of masks or respirators, enhancement of ventilation, x-ray or other physical examination, etc.) to reduce asbestos disease and exposure among your employees in mining, milling, manufacturing, selling or distributing operations, state in detail what measures were taken, where they are taken, when they were taken, who recommended or suggested that they be taken, and who ordered that they be taken.

ANSWER: Reddaway recalls that asbestos warning labels were placed on all products sometime in 1971. In 1978, a water misting system was installed to meet OSHA dust level standards. Mr. Ralph Lanz, 5001 Grant Avenue, Philadelphia, PA 19114, a consultant, was hired to develop a dust count monitoring system. This system was used until conversion to non-asbestos. Reddaway recalls that the system was mandated by OSHA regulations. Cahill Clinic of Newark, New Jersey began annual x-rays of all employees in 1978 through the present.

16. If any employee in your mining, milling, manufacturing, contracting, selling or distributing operations has ever been diagnosed by any physician as having asbestosis or any cancer related to asbestos exposure, state the name, address, date of diagnosis, and general circumstances of exposure as to any person so diagnosed before you ceased (if you have) sale or distribution of asbestos products in Minnesota.

ANSWER: None.

17. If you have ever conducted, funded, commissioned, requested, or in any way participated in any studies, tests, research,

experiments, or the like, concerning the health effects of inhalation of asbestos fibers, set forth all dates, organization and persons involved, sources of funds, results, and related publications.

ANSWER: No answer required.

18. If you know of any tests, studies, research or experiments concerning the effects of inhalation of asbestos fibers, conducted at any time since 1900 by any member of the asbestos products industry (miners, millers, manufacturers, sellers, etc.) or by any group or organization of or related to that industry, give the titles, dates, participating company(s) or organization(s) and responsible individuals.

ANSWER: No answer required.

19. State the names of all industry or trade association periodicals to which you subscribed, or which you received without subscription, at any time from 1900 to the present, giving the period of subscription or receipt of each.

ANSWER: Reddaway is unable to identify any industry or trade association periodicals for the period in question.

20. Identify by name and date all medical texts, treatises, journals, studies or reports, whether privately or publicly circulated, which you received or obtained at any time from 1900 to the present and which concerned in any way lung disease or occupational health subjects.

ANSWER: Reddaway has no such texts, treatises or other publications.

21. Give the names and last known home and business addresses of all physicians who were employed, contracted or otherwise engaged by you at any time from 1900 to the present, and give the dates and purposes for which each such physician was engaged.

ANSWER: None.

22. Give the names and last known business and home addresses of all persons whom you employed, contracted or otherwise retained as an industrial hygienist at any time from 1900 to the present, giving dates and purposes for which each such person was engaged. (For purposes of this interrogatory, an industrial hygienist is one who performs engineering or health studies or other services to identify, evaluate or attempt to eliminate potential occupational health hazards.)

ANSWER: None.

23. If you have ever been a member of the Asbestos Textile Institute, the National Mineral Wool Association, or the Asbestos Cement Products Group, state the years of membership; identify all meetings or conferences attended; and identify by date and title all publications received which related in any way to the dangers of asbestos exposure.

ANSWER: Reddaway believes that at one point it may have been a member of the Asbestos Textile Institute but does not know any particulars.

24. If you were ever a member of the Air Hygiene Committee of the Asbestos Textile Institute, state when and identify all meetings of that committee attended by your representative.

ANSWER: No answer required.

25. If you have ever been a member of the Industrial Health Foundation ("IHF"), give the years of membership, identify by names and current addresses any of your employees or representatives who were present at the 20th annual meeting of that organization in Pittsburgh, Pennsylvania in November of 1955, and state whether you received that organization's monthly publication known as the Industrial Hygiene Digest.

ANSWER: No answer required.

26. State whether you ever requested officials of the IHF to:
- a. Perform a search of the medical literature to determine whether any scientists or doctors were reporting cases of insulation workers with asbestosis and/or cancer or discussing the potential hazards incident to use of the asbestos-containing insulation products.
 - b. Perform any studies or research into potential health hazards incident to the use of asbestos-containing insulation products.
 - c. Review governmental publications of Great Britain toward the end of determining whether any research was being conducted by the British Government into any potential health hazards incident to the use of insulation products containing asbestos.
 - d. Review governmental publications of Great Britain to determine whether the Chief Inspector of Factories or any other British Government agency had issued any regulations or published any findings relative to

potential health hazards incident to the use of
insulation products containing asbestos.,

ANSWER: No.

27. If you have ever been an associate or correspondent of the Asbestos Research Council of England, list meetings attended and identify by dates and titles and other pertinent identifying information all correspondence or publications sent to that organization or received from it.

ANSWER: No answer required.

28. For all insurance companies which carried your workers' compensation coverage at any time from 1900 to the present, give their names, address and dates of coverage.

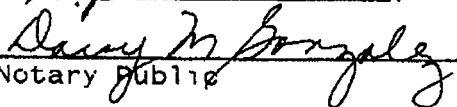
ANSWER: Object to this interrogatory as being overly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

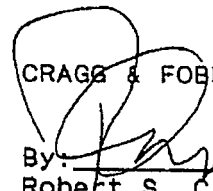
REDDAWAY MANUFACTURING CO., INC.

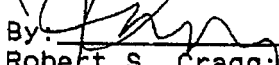
By: 

Edward F. Eggert
Vice-President

Subscribed and sworn to before
me this 25th day of
September, 1992.


Nancy M. Gonzalez
Notary Public


CRAGG & FOBBE

By: 
Robert S. Cragg; 19574
Attorneys for Reddaway Mfg.
310 Norwest Bank Building
1011 First Street South
Hopkins, Minnesota 55343
(612) 933-8993

ELIZABETH M. GONZALEZ
NOTARY PUBLIC, STATE OF MINNESOTA
My Comm. Expires 09/01/97

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

Civil No. 92-C-2822

STATE OF NEW JERSEY)
) ss.
COUNTY OF EXXEX)

1. My name is Todd W. Walker. I am currently employed by Reddaway Manufacturing Company, Inc. (Reddaway), a Delaware corporation, in the capacity of President. Reddaway has its principle place of business in New Jersey. I have been employed by Reddaway since December 30, 1987. I have personal knowledge of the products manufactured, sold, and distributed by Reddaway.

2. I have personal knowledge of the matters set forth in this affidavit, except as to matters herein stated on information and belief and, as to such matters, I believe the same to be true based on a review of company records and communications with Reddaway employees.

3. Reddaway manufactures industrial brake linings and clutch linings for such uses as mining equipment, winches, hoist brakes, and steam shovel brakes. It has not and does not manufacture automotive or truck brake linings or clutch linings. For a period of time until November 17, 1986, the industrial brake linings manufactured by Reddaway contained asbestos. On or about November 17, 1986, Reddaway ceased

manufacturing asbestos containing brake linings or any other asbestos containing products.

4. In my capacity, I have access to sales records, invoices, and all other records and documents of Reddaway and have had them reviewed under my direction.

5. Upon information and belief, since the inception of Reddaway in 1890 through 1991, Reddaway did not make any direct sales or shipments of any products of any kind to the State of North Dakota.

6. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never maintained an office in the State of North Dakota.

7. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never designated a registered agent in the State of North Dakota for service of process nor has Reddaway registered with the Secretary of State of the State of North Dakota as a foreign corporation doing business in North Dakota.

8. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never directed or paid for product advertising, by radio, television, print or any other form within the State of North Dakota.

9. Upon information and belief, since the inception of Reddaway in 1890 through 1991, Reddaway has never been brought to suit in a North Dakota court, nor has it purposely availed itself of the benefits of North Dakota law.

10. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never owned property in the State of North Dakota.

11. Upon information and belief, since the inception of Reddaway in 1890 through 1991, Reddaway had not had any oral or written contracts, negotiations, or any other form of contact or business with or in the State of North Dakota.

12. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never paid any use, real estate or income taxes to or in the State of North Dakota.

13. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never maintained an office nor employees within the State of North Dakota.

14. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never had a telephone number or listing in the State of North Dakota.

15. In 1992, Reddaway started doing business with E & H Industrial Supplies (E & H) of Casper, Wyoming. One of the outlets for E & H is Highway 2 West, Williston, North Dakota. On March 20, 1992, Reddaway made its first shipment of product to the E & H outlet in Williston, North Dakota at the request of the E & H outlet in Casper, Wyoming. Since that time, additional shipments have been made to E & H in Williston, North Dakota. The shipments in 1992 total 14 in number and represent \$29,051.07 of sales. The shipments in 1993 total six in number and represent \$15,668.06 of sales. These sales represent less than .0075% of Reddaway sales respectively for the years 1992 and 1993. None of the products shipped to E & H of Williston, North Dakota have been asbestos containing products. Copies of all invoices showing shipments of Reddaway products to the State of North Dakota during the time period March 20, 1992 through July 21, 1993 are attached to this affidavit.

16. Reddaway has never been a member of any organization which conspired to deceive the general public concerning the health risks that may be associated with asbestos products.

17. Reddaway has never been a member of any organization held by a U.S. court to have conspired to deceive the general public concerning the health risks that may be associated with asbestos products.

Further your affiant sayeth not.

Todd W. Walker
Todd W. Walker

Subscribed and sworn to before me this
21ST day of October, 1993.

Daisy M. Gonzalez
Notary Public
My Commission Expires: 5-13-97

DAISY M. GONZALEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 13, 1997

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

LuVerne Wedwick,

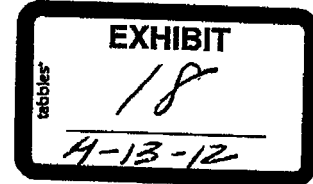
Plaintiff,

vs.

Abex Corporation, et al.,

Defendants.

Civil No. 95-C-2327



**AFFIDAVIT OF TODD W. WALKER, PRESIDENT OF
REDDAWAY MANUFACTURING COMPANY, INC.**

STATE OF NEW JERSEY

COUNTY OF ESSEX

ss

Todd W. Walker, being first duly sworn on oath, deposes and states as follows:

1. My name is Todd W. Walker. I am currently employed by Reddaway Manufacturing Company, Inc. (Reddaway), a Delaware corporation, in the capacity of President. Reddaway has its principle place of business in New Jersey. I have been employed by Reddaway since December 30, 1987. I have personal knowledge of the products manufactured, sold, and distributed by Reddaway.

2. I have personal knowledge of the matters set forth in this affidavit, except as to matters herein stated on information and belief and, as to such matters, I believe the same to be true based on a review of company records and communications with Reddaway employees.

3. Reddaway manufactures industrial brake linings and clutch linings for such uses as mining equipment, winches, hoist brakes, and steam shovel brakes. It has not

and does not manufacture automotive or truck brake linings or clutch linings. For a period of time until November 17, 1986, the industrial brake linings manufactured by Reddaway contained asbestos. On or about November 17, 1986, Reddaway ceased manufacturing asbestos containing brake linings or any other asbestos containing products

4. In my capacity, I have access to sales records, invoices, and all other records and documents of Reddaway and have had them reviewed under my direction.

5. Upon information and belief, since the inception of Reddaway in 1890 through 1991, Reddaway did not make any direct sales or shipments of any products of any kind to the State of North Dakota.

6. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never maintained an office in the State of North Dakota.

7. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never designated a registered agent in the State of North Dakota for service of process nor has Reddaway registered with the Secretary of State of the State of North Dakota as a foreign corporation doing business in North Dakota.

8. Upon information and belief, since the inception of Reddaway in 1890, Reddaway has never directed or paid for product advertising, by radio, television, print or any other form within the State of North Dakota.

9. Upon information and belief, since the inception of Reddaway in 1890 through 1991, Reddaway has never been brought to suit in a North Dakota court, nor has it purposely availed itself of the benefits of North Dakota law.

10. Upon information and belief, since the inception of Reddaway in 1890,

respectively for the years 1992, 1993, and 1994. None of the products shipped to E & H of Williston, North Dakota have been asbestos containing products. Copies of all invoices showing shipments of Reddaway products to the State of North Dakota during the time period March 20, 1992 through January 26, 1995 are attached to this affidavit

16. Reddaway has never been a member of any organization which conspired to deceive the general public concerning the health risks that may be associated with asbestos products.

17. Reddaway has never been a member of any organization held by a U.S court to have conspired to deceive the general public concerning the health risks that may be associated with asbestos products.

Further your affiant sayeth not.

Dated this 24TH day of November, 1997.

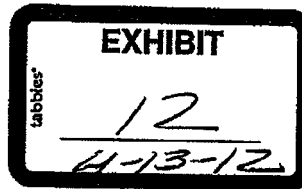
Todd W. Walker
Todd W. Walker

Subscribed and sworn to before me this 24TH day of November, 1997.

Daisy M. Gonzalez
Notary Public

(SEAL)

DAISY M. GONZALEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 13, 2002



STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

Albert L. Gipp,

Plaintiff,

vs.

Abex Corporation, et al.,

Defendants.

Civil No. 92-C-2822

**REDDAWAY MANUFACTURING
COMPANY, INC.'S RESPONSE TO
PLAINTIFF'S INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS (SET I)**

TO: ALBERT GIPP AND HIS ATTORNEY, DAVID C. THOMPSON OF THOMPSON
& BOEHLER, P.C., FARGO, NORTH DAKOTA;

Reddaway Manufacturing Company, Inc. (Reddaway) responds as follows to
Plaintiff's Interrogatories and Request for Production of Documents to Defendant (Set
I). A general objection is made to the interrogatories and requests unduly and
unnecessarily burdensome and to the extent that they request information beyond that
which is discoverable under the North Dakota Rules of Civil Procedure.

1. State the name, present business address, present residence, capacity or
title of the individual signing these Interrogatories on behalf of the answering defendant.

ANSWER: Ed Eggert, General Sales Manager, Reddaway Manufacturing Company,
Inc., 32 Euclid Avenue, Newark, New Jersey.

2. Please state whether or not you have ever held a certificate of authority to
do business in the State of North Dakota and the date thereof the address of your
principal place of business, and whether you have either assumed the assets and/or
liabilities (or whether you have been held by any court to be legally responsible for
asbestos manufacturing or sale) of any predecessor corporation or entity, but including
within the definition of predecessor, for the purposes of the instant interrogatory, a prior
manufacturer of any asbestos product line which this answering defendant manufactured.

ANSWER: No.

3. Please state whether or not you are a corporation. If so, please state:

- a. Your correct corporate name;
- b. The state of incorporation;
- c. The date of your incorporation;
- d. The address of your principal place of business;
- e. The addresses of any other places of business;
- f. Whether or not you have ever held a certificate of authority to do business in this state;
- g. Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
- h. State your corporate purpose;
- i. State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 1. The name of the subsidiary and/or predecessor;
 2. Its date(s) of incorporation; if a corporation;
 3. Its state(s) of incorporation;
 4. Its corporate purposes.

ANSWER: Reddaway Manufacturing Company, Inc., 32 Euclid Avenue, Newark, New Jersey; incorporated in Delaware; no subsidiaries.

4. State whether you have controlled, purchased, or in any way acquired any interest (including assets of) in any corporation or business entity which has mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed, and/or otherwise placed in the stream of commerce, asbestos products and, if so, state:

- a. The name and address of said corporation or business entity;
- b. The date(s) you controlled, purchased or acquired any interest, including assets;
- c. The manner of acquisition, including percentage of ownership;
- d. Identify by summary description all documents with respect to the subject matter of your answer to (a)-(c) above and please attach to the instant Interrogatory answers, or otherwise produce pursuant to Rule 34, N.D.R.Civ.P., any documents actually effectuating any of the following: (1) a merger with a predecessor entity as described in the instant interrogatories; (2) any and all written decisions of any court in any jurisdiction addressing successorship liability issues relating to this answering defendant within the context of asbestos-

related personal injury, wrongful death, property damage and/or insurance coverage litigation, whether or not such decisions have been published as reported decisional law.

ANSWER: No.

5. Has Defendant, at any time, engaged in the manufacture of products containing asbestos fibers? If so, please state:

- a. From what source or sources, if any, did your company obtain mined asbestos since the year 1930.
- b. Whether any warnings, cautions, caveats, or directions accompanied the material referred to in (a) and the language, nature, and presentation of said warning, cautions, caveats or directions accompanying or relating to said asbestos.
- c. Approximately what date said warnings, cautions, caveats or directions first appeared on such, mined asbestos referred to in (a) above.
- d. Where the asbestos or asbestos materials were manufactured by this answering defendant and/or its predecessor entities as described above.
- e. How long the defendant manufactured asbestos or asbestos materials.
- f. Whether any warnings, cautions, caveats or directions accompany the materials referred to in (a) and the nature, language, and graphic presentation of said warnings, cautions, caveats or directions accompanying said asbestos materials manufactured by this answering defendant and/or its predecessors.
- g. Approximately what date said warnings, cautions, caveats or directions appeared on the manufactured asbestos or asbestos materials.

- ANSWER:**
- a. The names of the suppliers are not known for sure. It is possible that the suppliers included Amatex, Johns-Manville, Southern Asbestos, and Carolina Asbestos.
 - b. Yes.
 - c. It is unknown when the warning first appeared.
 - d. Products containing asbestos were manufactured at Newark, New Jersey.
 - e. Unknown.
 - f. Yes. The exact nature language and graphics of the warnings are not presently available. A warning with language similar to that which was received from those listed in subpart a will be provided.
 - g. Unknown, but approximately 1972.

6. Has defendant, at any time, engaged in the mining of materials containing asbestos fibers and/or asbestos? If so, please state:

- a. The locations at which the asbestos was mined.
- b. How long the defendant mined asbestos.
- c. The types of asbestos mined.
- d. Whether any warnings, cautions, caveats or directions accompanied the materials so shipped, the date these appeared and the exact wordings of the warnings, cautions, caveats or directions, and exactly where the warnings, cautions, caveats or directions appeared.

ANSWER: No.

7. Has defendant, at any time, engaged in the processing, marketing, distribution, and/or sale of products containing asbestos fibers, including raw asbestos.

ANSWER: Yes.

8. If the answer to 5, 6 and 7 is affirmative, please state as to each such affirmative answer the following were relevant:

- a. The dates of such manufacturing, mining or processing, marketing, distribution and/or sale specifying as to each.
- b. The trade or brand name of each such product mined, manufactured, and/or marketed, and an indication as to each as to where it was manufactured or processed or mined.
- c. The dates and periods of time that each of such products were placed and maintained on the market.
- d. A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product (i.e. amosite, chrysotile or crocidolite) and the quantitative percentage of asbestosis each product, including the manufacturing formula, mix card, etc. for each such product.
- e. A description of the physical appearance of each such product.
- f. The dates each of such products were withdrawn from the market, if applicable.
- g. A detailed description of the intended uses of each product.

ANSWER: This interrogatory is objected to as overbroad and burdensome. Reddaway began manufacturing brake linings in 1890. Their products evolved over the past 103 years. On November 17, 1986, Reddaway ceased manufacturing asbestos containing brake linings.

9. Identify with respect to each and every asbestos product, as referred in Interrogatory No. 6 above, which answering defendant manufactured, processed, compounded, converted, sold, supplied, and/or distributed, the following:

- a. State during what period of time such product has been manufactured, processed, compounded, converted, sold, supplied and/or distributed by this answering defendant;
- b. All sales literature, including brochures, advertisements, pamphlets or other material describing such products, their uses and methods of application or installation;
- c. How such products were packaged, transported, stored or supplied;
- d. Any warning labels, inserts or other writings provided with such products and with every such printed warnings, state what period of time it has or had accompanied the products the exact wording of the warning, any amendments, (and dates thereof) made to the wording, where the warning was located on each product or packaging, and on what asbestos products the warnings appear(ed).
- e. Any special instructions provided with such products regarding the use, protection or safety procedures to be employed by persons handling such products.

ANSWER: See answer to interrogatory no. 8.

10. With respect to your answers to Interrogatories Nos. 5-9, did you ever claim in any document that your product(s) were either safe, effective and/or easy to handle? If so, identify all such documents, including but not limited to brochures or advertisements (radio, television or printed), and revisions thereof by publication(s) and date.

ANSWER: No.

11. With respect to your answer to Interrogatories Nos. 5-9, did you specifically inform purchasers, users and/or bystanders near your products in any manner during any time period that your products could cause cancer, asbestosis, and other serious diseases? If so, identify each such warning, including documents containing such information by date and location on package or other site or manner of display.

ANSWER: Yes. These warnings will be provided.

12. Identify any and all labeling or relabeling agreements in existence since 1930, with respect to asbestos-containing products, where any such agreements were entered into between this answering defendant and other entities, including other defendants in the instant litigation.

ANSWER: None.

13. Identify the method of distribution, including any distribution chain or network of wholesalers and/or distributors of defendant's asbestos products, and, in summary fashion, identify documents (by type) evidencing or confirming such chain or system of product distribution, including, but not limited to, distribution from and/or to other defendants in the instant litigation.

ANSWER: See answer to interrogatory no. 8.

14. Identify your distributors and/or suppliers of either raw of mined asbestos, fiber, and/or asbestos products with which you had business contact since 1930.

ANSWER: See answer to interrogatory no. 8.

15. Have any of the products listed in Interrogatory No. 8 above been altered in chemical composition since first being marketed?

ANSWER: Yes, but the exact composition and dates of modification are not known. Camel hair was used until approximately 1940. Asbestos was used until November 17, 1986. Fiberglass products have been used since that time.

16. If so, please state the name, address, job title, and job responsibilities of each individual who participated in the design and preparation of such altered manufacturing specifications for each such product.

ANSWER: Unknown.

17. Do any written memoranda, specifications, product designs or blueprints or other written material of any kind or character now exist relating to the design, comparison, preparation, and/or application of said products which has altered formulae or specifications.

ANSWER: No.

18. If so, please state:

- a. List each such written material or documents.
- b. Who presently has possession of each such document.
- c. Where it is located.

ANSWER: Not applicable.

19. Prior to, or at any time subsequent to the original release of the products

listed in Interrogatories Nos. 6-8 above for sale, were any tests conducted on such products to determine whether potential health hazards were involved in the reasonably foreseeable use of the products themselves or in the use of the packaging which was used with said materials?

ANSWER: No.

20. If so, please state:

- a. The name, address, and job classification of each individual who conducted such tests.
- b. The nature and results of such tests.
- c. The dates of said tests.
- d. Pursuant to Rule 34, N.D.R.Civ.P., please attach complete copies of all reports and results of such testing referred to in the instant interrogatory.

ANSWER: Not applicable.

21. Do any written memoranda, specifications, blueprints or other written materials of any kind or character, exist relating to the testing of said products or to the packaging of said products, including all testing to determine release of asbestos fibers by such products in applications comparable to the reasonably foreseeable use (handling, installation and removal) of such products.

ANSWER: No.

22. If so, please state:

- a. List each such written material or document.
- b. Who presently has possession of each document and where it is located.

ANSWER: Not applicable.

23. Did defendant make any changes as a result of such tests, including modifications of such products' formulae, changes in warnings and/or withdrawal of such products for marketing in the United States.

ANSWER: Not applicable.

24. If so, please state:

- a. The nature of the change made.

- b. The name, address and job classification of each such person in charge of said change.
- c. The date of said change.

ANSWER: Not applicable.

25. As to said asbestos products, either as originally manufactured, or as modified, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein or in the handling and use of the packaging containing said product?

ANSWER: No.

26. If so, please state:

- a. The name, address and job classification of each person conducting said tests.
- b. The results of said tests.

ANSWER: Not applicable.

27. Do any written memoranda, specifications, recommendations or other written materials of any kind or character relating to the testing of said products or the packaging of the product exist?

ANSWER: No.

28. If so, please state:

- a. List each such written material or document and its date.
- b. Who presently has possession of each such document and where it is located.

ANSWER: Not applicable.

29. Did Defendant make any changes as a result of such tests as listed in answer 24?

ANSWER: Not applicable.

30. If so please state:

- a. The nature of the change made;
- b. The name, address and job classification of each person

- responsible for making such a change;
- c. The date of the change;

ANSWER: Not applicable.

31. Identify all distributors, including in-house distribution units, of your asbestos products in the states of North Dakota, Minnesota, South Dakota and Montana, and state:

- a. The date(s) your product(s) were sold or delivered to each distributor;
- b. The quantities or type of product(s) sold or delivered to said distributors during the years of 1930 through the present.
- c. Identify by summary description what documents exist relating to said distributors.
- d. Whether any agreement concerning third party liability has ever existed between you and the distributors; and if so, if such agreement was in writing, attach a copy of such agreement; if such agreement was oral, then set forth fully the terms and the identity of the persons making oral agreement.

ANSWER: Reddaway has never had distributors or in-house distribution units of its asbestos containing products in the states of North Dakota, Minnesota, South Dakota, or Montana.

32. If you ever manufactured, distributed or sold asbestos or asbestos products in the United States, and then discontinued such activities in this country at any point, did you, either directly or through subsidiaries or affiliates, continue to manufacture, distribute, or sell (or permit by license or other undertaking the continuation of such manufacture, distribution and/or sale by other entities) of such asbestos or asbestos products in other countries after such activities had been discontinued by you in the United States.

- a. If the answer to this interrogatory is in the affirmative, please describe in detail any and all such foreign activities relating to the manufacture, distribution and sale of such asbestos products after such activities had been discontinued by you in the United States.

ANSWER: No.

33. Did you, at any time, assign or license any of your asbestos products to any person, firm or corporation? If so, state:

- a. Identify the assignors or licensee;

- b. The purpose of such assignment or license;
- c. The name(s) of the product(s) so assigned or licensed;
- d. The time period of the assignment(s) or license;
- e. Identify and produce all documents relating to such assignment or license.

ANSWER: No.

34. Did you rebrand any or your asbestos products for other companies? If so,

- a. Identify such companies;
- b. Indicate the specific products rebranded for each company;
- c. The dates of each such rebranding.

ANSWER: Yes. Abex; S.K. Wellman; Ceco; brake lining products were rebranded for these companies.

35. State the names, titles and addresses of this answering defendant's advertising agents who were employed or used in connection with the promotion of the products specified in your answers to Interrogatories 6-8 and give us a summary of all the instructions given to such agents regarding the uses, safety, and health related effects of the use of the products.

ANSWER: None.

36. When and how did you first become aware that warnings relating to asbestos health hazards or potential asbestos health hazards had been placed on products distributed by any other entity and state the reason(s) why such warnings of others were not placed on your products at the same time or at least contemporaneously.

ANSWER: Approximately 1972. OSHA advisories.

37. If this answering defendant was not engaged in some phase of manufacturing or production of asbestos products, state:

- a. Whether defendant is or was a supplier, distributor, manufacturer's agent, seller and/or contractor of asbestos products;
- b. For which other entities this answering defendant engaged in any of such activities referenced in subdivision (a);
- c. Over what period of time and in which geographical area(s) such activities were conducted;
- d. With which asbestos products were answering defendants involved in such activities;
- e. What, if any, warnings (including any subsequent warning, safety

procedures or methods undertaken after the sale or distribution of such asbestos products), safety procedures or methods, were employed by this answering defendant to protect persons against hazards from exposure to said asbestos or asbestos products.

ANSWER: Not applicable.

38. Is this answering defendant aware or possessed of knowledge or information concerning the reported causal connection between exposure to asbestos or asbestos products and:

- a. asbestosis?
- b. lung cancer?
- c. mesothelioma?
- d. other cancers?

ANSWER: Yes.

39. If your answer to Interrogatory No. 38, as to any and/or all of its subparts, is the affirmative, identify:

- a. When and how this answering defendant first acquired such knowledge or information of such connection;
- b. If such knowledge or information was obtained by attendance by an employee of this answering defendant at any conference, lecture, convention, symposium or meeting, identify such meeting and provide identity of person attending or documents obtained;

ANSWER: a. Approximately 1972 from OSHA advisories.
b. No.

40. With regard to any knowledge obtained subsequent to that identified in your answer to Interrogatory No. 38 above, identify:

- a. All documents or other communications, oral or written, concerning the casual connection between exposure to asbestos or asbestos products and disease, and identify of persons so communicating;
- b. Whether this answering defendant obtained this information or knowledge from or transmitted any such information or knowledge to other defendants in this case? If so, identify:
 - 1. manner of receipt or communication for each contact;
 - 2. all documents and persons involved.

- ANSWER:** a. Subsequent to 1972 by OSHA advisories.
b. No.

41. As to any knowledge possessed by answering defendant at any time referred to in your answers to Interrogatories Nos. 38, 39 and 40, did you undertake to inform or educate your employees, distributors, and/or ultimate purchasers, users and bystanders of the hazards known to you and the safety precautions which would be necessary or desirable to guard against asbestos-caused cancers and/or other asbestos-caused diseases arising from the use and handling of your products? If so, identify:

- a. When and in what manner customers, users, or foreseeable bystanders of such products, your own production, sales and distribution employees, and/or the general public were so informed;
- b. Documents communicating or otherwise disseminating such information;
- c. Programs initiated or sponsored to establish or promote safety procedures, methods or usage of equipment intended for use in conjunction with such asbestos products;
- d. Published articles or reports by employees (present or former), including those of medical directors, scientists, engineers or other professionals;
- e. Symposia or lectures sponsored for the benefit of asbestos product users and/or the general public.

ANSWER: Yes; OSHA advisories were supplied.

42. When and by what manner did you first become aware of any such hazards, alleged hazards or potential hazards, relating to exposure to asbestos or asbestos products by prospective users and/or bystanders of such products.

ANSWER: Approximately 1972 from OSHA advisories.

43. Have you ever received notice that any other person was/is claiming injury as a result of being exposed to, breathing and/or inhaling asbestos or asbestos containing products manufactured, sold, or distributed by you?

ANSWER: This interrogatory is objected to as being overbroad and burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

44. If so, please state:

- a. The name and address of each claimant. If such claims number in excess of 100 in each category designated in subdivision (c) of this interrogatory, please list the first 100 such claims in each such

- category in chronological order.
- b. The date of notice of each claim.
- c. A description of the claim, i.e. workman's compensation, third party products liability action, etc.
- d. The style and court or administrative agency file number of each claim currently pending.
- e. The result in resolution of each claim which has been settled or taken to judgment following trial or administrative decision.

ANSWER: See answer to interrogatory no. 43.

45. Does defendant have policies of insurance which might cover the claims that have been made by plaintiffs herein?

ANSWER: See attached list of insurance coverage (Exhibit A).

46. If so, please list the names of each insurance carrier who may have coverage, the amount of such coverage, and the date of each such policy. If such coverage is, or has been the subject of litigation wherein coverage was disputed, please describe in summary fashion all such coverage litigation, in so doing providing the venue, court file numbers and results where such litigation has been concluded.

ANSWER: See answer to interrogatory no. 45.

47. Have you ever performed, directed to be preformed, financed, sponsored or received the results of any studies or tests concerning the relationship between asbestos exposure from any products manufactured, sold or distributed by you and asbestosis, (either pleural or parenchymal asbestos-caused fibrotic disease) and/or any forms of cancer? If so, identify:

- a. When, where and at what intervals such studies were performed;
- b. Were such studies in writing or reported at a later date in writing;
- c. Were the results of such studies published or otherwise disseminated? If so, state to whom and when;
- d. Who performed such studies;
- e. Please produce the results of any and all such studies and attach copies of the same to your interrogatory answers.

ANSWER: No.

48. Is this answering defendant aware of the existence of any findings, including citations for alleged violations, made by any governmental agency, body, commission or health organization, including but not limited to the U.S. Public Health Service, U.S. Environmental Protection Agency, OSHA or NIOSH, concerning specific

hazards associated with the use and handling of asbestos and asbestos products in plants or on job sites owned or controlled by you, any restrictions in use of same, requirements for medical surveillance and examinations for your workers, dust monitoring, or availability of safety equipment, all of which were directed toward a determination of the degree of exposure to asbestos or asbestos products which would not cause disease among employees, and/or toward the prevention or limitation of inhalation or consumption of asbestos fibers or dust in connection with the use of your asbestos products? If such findings were made, identify:

- a. The date or dates of such findings and by which organization or entity such findings were made;
- b. The form in which such findings were made and, if written, the exact wording of same or location in regulation, order, bulletin, report or other writing;
- c. What steps were taken to comply with such findings and the dates when such acts of compliance occurred;
- d. How intended users or bystanders near the use of your asbestos products were informed of such findings and if such information was written identify same.

ANSWER: No.

49. Did you perform, direct to be performed, finance, sponsor or receive the results of any asbestos dust monitoring tests at either your manufacturing facilities or at job sites where your asbestos or asbestos products were being applied and/or removed by workers, or under simulated condition? If so, state:

- a. The date and location of the first such test;
- b. When, where and at what intervals subsequent test were performed;
- c. Who performed such tests or studies and who funded such tests or studies.
- d. Where the results of such tests are maintained;
- e. What steps were taken by you with respect to your asbestos products to improve or limit asbestos release shown by tests, and dates when such improvements were made.

ANSWER:

- a. Yes; in 1978, air sampling for asbestos dust.
- b. Once a year.
- c. Results submitted to OSHA.
- d. Air sampling count done by outside hygienist.
- e. Water mist installed by weaving steel.

50. If your answer to the above interrogatory is in the negative, state your reasons for not performing such asbestos dust monitoring tests.

ANSWER: Not applicable.

51. Identify any medical examination or medical monitoring programs which were offered or sponsored by this answering defendant and/or its insurance carrier(s) for employees of this answering defendant and/or its insurance carrier(s) for employees of this answering defendant handling or otherwise being exposed to asbestos and asbestos products. With respect to each such program, state:

- a. Manner of communicating with employees about such program;
- b. Whether participation in such program(s) was mandatory or optional as a matter of company policy.
- c. What percentage of workers permitted to undergo such examination actually participated;
- d. What percentage of workers participate in such program(s) were found to have asbestosis, lung cancer, colon cancer, or mesothelioma;
- e. With respect to (d), what percentage of such workers were paid disability or workmen's compensation benefits or for whose benefit medical expenses were paid to undergo treatment for such conditions.

ANSWER: Starting in 1972, all employees were given annual physical check-ups including chest x-rays and pulmonary function tests. Results are given to employees.

52. With respect to those medical program(s) identified in defendant's answers to Interrogatory No. 51, state:

- a. Whether defendant had a written or unwritten policy that the results of such medical examinations should not be revealed to defendant's employees;
- b. If your answer to subject (a) above is in the affirmative, did such policy extent to those employees whose medical examination revealed evidence of asbestos-related diseases, including but not limited to asbestosis, lung cancer, and mesothelioma;
- c. If such policy was or is written, identify all doctors, clinics, associations and personnel associated with defendant who were instructed as to defendant's policy;
- d. Whether there is a central repository where the results of such medical examinations or studies are located;
- e. Whether defendant's policy included instructions to disclose results of medical examinations to the personal physicians of employees, or others;
- f. Whether defendant performed, financed or assisted in performing

- medical examinations on employees of other entities, including but not limited to defendants names in this lawsuit. If the answer is in the affirmative, list the name(s) of such other entities;
- g. Whether defendant performed, financed or assisted in performing medical examinations on employees of other corporations of business entities not named as defendants in this lawsuit. If the answer is in the affirmative, list the name(s) of such corporation(s) or business entities.
 - h. Identify all documents or agreements setting forth conditions under which such programs were to be performed and instructing the examiner(s) as to (non-)disclosure of results;
 - i. Whether answering defendant admits or denied any policy of nondisclosure, have any medical or other corporate personnel employed by defendant now or in the past ever testified as to the existence of such policy of nondisclosure. If so, identify the witness, the date, the proceeding, and the existence of any transcripts, notes of testimony or sworn statements of such witnesses.

ANSWER: See answer to interrogatory no. 51.

53. Did you, since 1930, or do you now maintain (either as an employee or consultant) a medical director and/or director of research and development? If so, identify and state the duties and responsibilities of the position and to which person(s) in the corporate structure the director reports or reported.

- a. Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumer of asbestos products and/or the general public;
- b. Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- c. Medical programs to be offered or sponsored by defendant.

ANSWER: No.

54. Identify all presidents or chief executive officers employed by you or any of your predecessors from 1930 through the present.

ANSWER: Frank Barton, General Manager (deceased); Fred Grasler, Vice-President (deceased); and William Barton, ex officio, retired. *Grasler*

55. Identify all trade organizations, associates, or other entities, including but not limited to the Asbestos Textile Institute (A.T.I.), the Friction Materials Institute, the Industrial Hygiene Foundation (I.H.F.), the National Insulation Manufacturer's Association

(N.I.M.A.), the Asbestos Information Association (A.I.A), the National Insulation Contractor's Association (N.I.C.A.), the Quebec Asbestos Mining Association (Q.A.M.A.), the Refractory Institute, and the Fluid Sealing Association, to which you have belonged or in which you have participated since 1930.

ANSWER: AIA and FMSI.

56. Identify all persons attending on your behalf any meetings held by trade or professional organizations, associations, including those entities identified in answer to Interrogatory No. 55, at which matters relating to asbestos health hazards or potential asbestos health hazards were addressed.

ANSWER: Edward F. Eggert; Francis W. Barton.

57. Identify the names or nature of all notes, reports, studies, or other writings submitted or received by you and your representatives at meetings identified in answer to Interrogatory No. 56.

ANSWER: OSHA rules, regulations, and interpretations.

58. Identify any documents received by you from or submitted by you to those trade organizations, associations including those entities identified in answer to Interrogatory No. 55, relating to the relationship between asbestos exposure and disease or possible asbestos-caused disease.

ANSWER: None.

59. Identify all agreements, oral or written, between you, any of the other defendants in this lawsuit, and/or any other organizations, associations or other entities identified in your answer to the preceding interrogatory or any medical or scientific foundations, relating to the standardization of:

- a. Specifications for asbestos-containing products;
- b. Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- c. Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- d. Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or general public;
- e. Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- f. Medical programs to be offered or sponsored by defendant.

ANSWER: None.

60. Did you ever direct to be performed, sponsor, finance, or ever receive the results of any studies or tests performed by any entity relating to asbestos exposure and its effects upon human life? If so, identify:

- a. All documents summarizing findings or results of those studies or tests which you have in your possession or control;
- b. All communications, oral or written, between answering defendant and the entity conducting said studies and tests.
- c. All documents relating to such studies and test received or submitted by you either directly, through associated or predecessor companies, through other companies or other entities.
- d. By whom the research was conducted, giving complete names and addresses.
- e. The dates that each such test was conducted.
- f. The complete results of each test or study, and if published, when and where.
- g. Whether the research person or organization was an agent or employee of defendant or was paid by defendant for said research.
- h. All recommendations or findings of such studies relating to:
 - 1. adequacy or inadequacy of threshold limit values;
 - 2. substitution of materials other than asbestos to be used in the insulation process.
- i. Where documents and/or communications identified in answers to (a)-(d) of this Interrogatory are maintained.

ANSWER: See answers to interrogatory nos. 49 and 51.

60A. Do you intend to present at trial of the above-captioned case a defense based in any respect upon alleged Threshold Limit Values (TLV's) with respect to asbestos exposure? If the answer to this interrogatory is in the affirmative, please describe with reasonable particularity those facts which underlie the so-called "TLV defense" that will be presented.

ANSWER: Unknown at this time.

60B. Did you ever rely upon any Threshold Limit Value (TLV) for asbestos in any respect while you were engaged in the manufacture and/or distribution and/or sale of asbestos products? If the answer to this interrogatory is in the affirmative, please state the following:

- a. The specific manner in which this answering defendant relied upon TLV's in determining that its asbestos products did or did not present a health hazard to users and/or bystanders of such product.
- b. When in time this answering defendant first began relying upon TLV's for asbestos, and how this reliance was altered, if so, over time.
- c. A specific description of all aspects of the reliance which was placed by this defendant upon TLV's for asbestos, including in this description a historical narration of such reliance.

ANSWER: Unknown at this time.

61. Identify all physicians who were employed, retained or otherwise engaged by answering defendant for the provision of medical services at any of its asbestos product manufacturing facilities from 1930 to the present for the employees working at such facilities.

ANSWER: None.

62. Did any of the defendant's medical directors identified in answer to Interrogatory No. 53, physicians identified in answer to Interrogatory No. 61, or other corporate personnel ever make, at any time, recommendations or suggestions to this answering defendant pertaining to the risks of hazards to person using, handling or being exposed to defendant's asbestos products? If so, state:

- a. When such recommendations or suggestions were made;
- b. To whom and by whom were such recommendations or suggestions made;
- c. Whether such recommendations included:
 1. implementation of dust monitoring programs;
 2. structural modifications of existing ventilation systems and/or installation of new ventilation equipment;
 3. provision of separate locker facilities and/or protective equipment or clothing for defendant's employees or other persons using, handling or being exposed to defendant's asbestos products;
- d. Whether employment of any of defendant's medical directors, physicians or other corporate personnel was terminated for reasons other than retirement, disability or death. If so, which such physicians and for what reason?

ANSWER: See answer to interrogatory no. 36.

63. Identify the scientific or medical periodicals to which defendant, its medical department or industrial hygiene division subscribed from 1930 to the present, and the dates of such subscriptions.

ANSWER: None.

64. Did defendant, its medical department or industrial hygiene division maintain a medical and/or scientific library at any time from 1930 to the present? If so, state:

- a. The dates such library existed;
- b. The number of volumes maintained therein;
- c. The number of employees, part-time or full-time, assigned to maintenance of said library, and to whom in the corporate structure those employees report(ed).

ANSWER: None.

65. Please state the amounts spent or contributed by this answering defendant annually from 1930 to the present time for research into the relationships, if any, between exposure to and/or inhalation of smoke, dust, fibers and/or particles containing asbestos or asbestos products and any pulmonary pathology.

ANSWER: None.

66. Please state the dollar amount annually contributed by this answering defendant to any independent medical research group or groups conducting studies or research into the relationship, if any, between exposure to asbestos-containing products and disease, pulmonary or otherwise.

ANSWER: None.

67. Please state the name and addresses of the organizations or groups conducting the studies or research referred to in answer 66.

ANSWER: Not applicable.

68. Has any employee of answering defendant ever made a claim for asbestosis or any other asbestos-caused or asbestos-related disease, including lung or any other illness, under an occupational disease or workers compensation statute of any state? If so, state:

- a. The date that defendant first received notice of any such claim;
- b. The total number of such claims per year received to date;

- c. The number of such claims for which disability benefits and/or medical expenses were paid by defendant.
- d. Identify all persons to whom disability benefits and/or medical expenses were paid by defendant and the exact medical diagnosis, disease and/or condition for which such benefits/expenses were paid.

ANSWER: No.

69. How many employees of answering defendant have been known by defendant to be suffering from, having suffered from or whose deaths have been caused by asbestosis or mesothelioma. State the date such disease of any employee was first known by defendant.

ANSWER: None.

70. Identify all of defendant's compensation, disability and/or health insurance carriers or adjusters from 1930 to the present. With respect to each, state:

- a. Dates of coverage;
- b. Whether defendant's insurance rates were ever increased due to health hazards associated with defendant's asbestos products and exposure of defendant's employees thereto;
- c. Whether defendant's insurance rates were ever increased as a result of claims submitted for asbestos-related diseases and/or disability;
- d. Identify all reports, findings, studies, recommendations, communications or other documents issued by such carriers or adjusters to defendant relating to defendant's asbestos products and hazards associated with exposure thereto.

ANSWER: See attached list of insurers.

71. Identify each and every magazine and/or trade publication in which answering defendant advertised its asbestos products from 1925 to the present.

ANSWER: Unknown and objected to as overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

72. Did you discuss or present in any meetings, conventions, conferences, correspondence, memoranda, or any other writing, the costs financial or logistical associated with either making your asbestos products safe or the use thereof less hazardous? If so, identify all such written or oral presentations by date, place and attendance at meetings, or appropriate date, author and recipient of written material

associated therewith. Your response should include considerations regarding medical surveillance, physical examinations, establishment of changing areas separate from the insulation area, dust control and monitoring programs, availability of safety equipment and general improvement of working conditions. This interrogatory requires the identification of not only programs or policies which were instituted, but those which were rejected by you alone or in conjunction with others.

ANSWER: No.

72A. When was the first time that this answering defendant or any of its predecessors ever installed a dust collector or dust collection system in a portion of its manufacturing or warehouse facilities where asbestos or asbestos products were manufactured, stored, or handled?

ANSWER: a. Late 1940's or early 1950's.

73. Have you ever negotiated with labor unions representing workers handling or working with asbestos or asbestos products concerning working conditions, safety equipment procedures or other protective measures aimed at eliminating or reducing the risks associated with exposure to such products? If so, identify when such negotiations took place, with what unions, and identify all documents reflecting such agreements since 1925.

ANSWER: No.

74. Identify all documents which exist, either in the files of answering defendant or which have been produced in other proceedings or "asbestos litigation", that represent communications between any of the defendants to this suit, other manufacturers, suppliers or distributors of asbestos products, the United States government, trade organizations, including but not limited to the A.T.I., the Friction Materials Institute, the Fluid Sealing Association, the I.H.F., the N.I.M.A., the A.I.A., the N.I.C.A., the Q.A.M.A., the Refractory Institute, or scientific or medical foundations, such as Saranac Lake Laboratory or Mt. Sinai School of Medicine:

- a. Discussing the possible relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and/or other diseases;
- b. Medical or scientific studies concerning the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and/or other diseases;
- c. Discussing the publication or non-publication or any medical or scientific findings concerning such relationship.

ANSWER: None with respect to the time period relative to the alleged exposure by Albert Gipp. Objection is made to this interrogatory to the extent that it

requests information after the alleged exposure by Albert Gipp on the grounds that it would be unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

75. Identify all employees or consultants retained by this defendant who have spoken or testified relating to this defendant's asbestos products with relation to asbestos health matters generally:

- a. In any litigation, now pending or previously, involving this answering defendant;
- b. Before congressional or OSHA proceedings or hearings or investigative or administrative proceedings of any other state or federal governmental agency or unit or communicating in writing with any congressional body or administrative agency (state, local, or federal) relating to this subject matter;
- c. At any symposium, course, lecture or other meeting;
- d. With respect to (a)-(c) above, identify with reasonable particularity the name of the case, court term and number, or other description of proceedings and/or meeting, including the times that they took place.

ANSWER: Objection is made to this interrogatory to the extent that it seeks to obtain information concerning consulting experts not retained to testify at trial. No employees or consultants retained by Reddaway have testified at trial. Reddaway is not familiar with whether these experts have spoken at symposiums, courses, lectures, or meetings concerning asbestos.

76. Please identify any and all efforts which have ever been made by this answering defendant, and/or any of its predecessors, to influence administrative rule-making and/or administrative policy with respect to asbestos products manufactured, or formerly manufactured by this answering defendant and/or its predecessors. (For the purposes of the instant interrogatory, the term "efforts" includes participation in such administrative proceedings by virtue of the presentation of writings in the form of correspondence, reports, memoranda, and argument, as well as participation through live testimony, oral presentations, and informal meetings).

ANSWER: None.

77. Identify all persons who have testified on your behalf, and all documents which have been presented on behalf of this answering defendant or its predecessors, or utilized for preparation of testimony at OSHA, NIOSH, Congressional and/or other state or federal governmental hearings or investigative proceedings on the subjects of the biological effects on human life of exposure to asbestos and asbestos products and/or the use or protective devices addressing asbestos exposure. For all such

testimony identify:

- a. The dates and descriptions of proceedings;
- b. The relationship between persons testifying and answering defendant, i.e., employee or consultant;
- c. All studies, test results, or other scientific or medical documents relied upon by said persons as a basis for any recommendations made or testimony given;
- d. Whether, at any time prior to or following such testimony, you were possessed of knowledge of documents suggesting that existing or proposed threshold limit values were not safe or proper, or that lower threshold limit values were necessary in order to prevent asbestos-caused disease. If your answer is in the affirmative, identify origin or knowledge and all documents relating thereto.

ANSWER: None.

78. Have any investigation or other reports been prepared, compiled, submitted or made by or on your behalf in this action? If so, as to each such investigation or report, state fully and in detail:

- a. The identity of same by date, subject matter, name, address, job title or capacity of the person or persons to whom addressed or directed.
- b. The name, address, job title or capacity of the person or person to whom addressed or directed.
- c. The name, address and present whereabouts of the person who had present custody or control thereof and the purpose of such preparation.

ANSWER: No.

79. Do you, your agent, employees or representatives know of any statement having been made by the plaintiffs pertaining to any circumstances of the illnesses which are the subject matter of this lawsuit?

ANSWER: None, other than his deposition.

80. If the answer to the foregoing Interrogatory is in the affirmative, was any such statement in writing and, if so, in whose possession is such statement, and when and where may it be inspected by the plaintiffs?

ANSWER: See deposition of Plaintiff Albert Gipp.

81. If your answer to Interrogatory 80 is in the affirmative and any such statement was oral, please state when and where was any such statement made, in whose presence was such statement made, and the substance of such statements.

ANSWER: See deposition of Plaintiff Albert Gipp.

82. Do you send or have you at any time sent counsel or other representatives to courses or seminars aimed at defending asbestos cases? If so, please identify such courses or seminars.

ANSWER: No.

83. Identify all expert witnesses whose testimony has been presented at trial within the past five years by this answering defendant in other asbestos cases, pending or otherwise, on behalf of answering defendant.

ANSWER: None.

84. Identify all present or former employees of this answering defendant, other than plaintiffs, who have testified against this answering defendant in a litigation matter or before a state or governmental agency or unit.

ANSWER: None.

85. With respect to your answers to Interrogatories Nos. 83 and 84, identify all documents, including but not limited to transcripts or notes of testimony employed by or resulting from the testimony of such witnesses or employees.

ANSWER: Not applicable.

86. Identify:

- a. Any expert whom you intent to call as a witness or otherwise utilize in connection with this litigation;
- b. Any co-worker of plaintiff whom you have interviewed or intend to call as a witness in this litigation.

ANSWER: Unknown at this time.

87. If plaintiff was ever employed by answering defendant or worked on a job contracted by answering defendant:

- a. Identify any work records, employment records or job records with respect thereto;

- b. Identify any invoices, purchase orders or other documents evidencing the use of product manufactured by defendant on said job(s);
- c. If answering defendant cannot identify documents as to (a) and (b) above, confirm or deny the existence and use of defendant's products during the relevant time period;
- d. Identify any products not manufactured by, but relabeled or otherwise altered by defendant and used on said job(s).

ANSWER: Unknown but unlikely.

Dated this _____ day of _____, 1993.

REDDAWAY MANUFACTURING
COMPANY, INC.

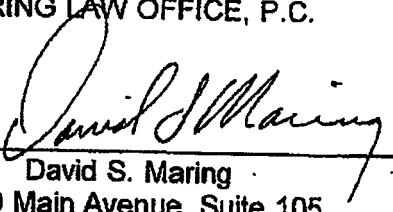
By _____
Edward Eggert

Subscribed and sworn to before me
this _____ day of _____, 1993.

Notary Public
My Commission Expires: _____

AS TO OBJECTIONS:

MARING LAW OFFICE, P.C.

By  _____
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