

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

WALTER HEDGREN and : CASE NO.: 498230
MARY HEDGREN, :
 :
Plaintiffs, : (JUDGE HARRY A. HANNA)
 :
vs. :
 :
A. W. CHESTERTON, INC., et al., :
 :
Defendants. :

**APV BAKER, A DIVISION OF APV NORTH AMERICA'S RESPONSES TO
PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: PLAINTIFFS, WALTER HEDGREN AND MARY
HEDGREN
RESPONDING PARTY: DEFENDANT, APV BAKER, A DIVISION OF APV
NORTH AMERICA
SET NO.: ONE

TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

COMES NOW defendant APV Baker, a Division of APV North America, and gives its
response to plaintiffs Walter Hedgren and Mary Hedgren's First Set of Demand for Identification
and Production of Documents in the above matter pursuant to:

DEFINITIONS

1. The words "Defendant," "You," "Your," or "Your company," all mean the
corporate Defendant separately answering these Interrogatories, and any of its merged,
consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign
subsidiaries of predecessors, and/or affiliates. This includes, but is not limited to, those known
to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-
containing products or that incorporated asbestos or asbestos-containing products at any work

site. This definition includes present and former officers, directors, servants, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products. "Predecessors" means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be acquired by you whether by merger, consolidation, or otherwise known to have mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

2. "Document" includes, but is not limited to, correspondence, letter, memoranda, message, note, report, cable, telegram, photograph, film, tape, and all other written communications of every kind and character; note, recording disk, or any other record of oral communication; microfilm; worksheet; schedule; exhibit; demonstrative aid; letter; contract; agreement; deeds, bills of sale, deeds of trust, security agreements, leases and other instruments or documents of title; maps; diagrams; logs; summaries; printouts; graphs, charts; compilations, tables; publications; manuals; minutes; by-laws; articles of incorporation; resolution; shareholder endorsements; partnership documents; minute books, diaries; calendars, bank statements, tax returns; lists; tapes, video tapes; and any other data compilations from which information can be obtained and translated.

3. "Identify" means to give the date, title, origin, author, and addressee to enable plaintiff to retrieve it from a file; and further, identify means to give the name, address, position, title, and whether a person is employed or not employed by Defendant.

4. The words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.

5. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.

6. The words "describe" or "description", when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.

7. The words "product containing asbestos fibers," "asbestos-containing products," or "asbestos products" all refer to any products or materials prepared in any way for sale and/or distribution that contained any kind of asbestos in any possible form. The words "asbestos materials" refer to any and all materials, substance, or matter used or assembled or fabricated during the manufacture of a product, and that contain at least some asbestos fibers. "Product" includes, but is not limited to, pipecovering, turbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, boilers, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings, finishing compound, texture, and other construction, building, drywall, lath and insulation materials.

8. The words "design changes," or "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to, variations in the amount or type of asbestos used in the process of manufacturing the product.

9. The words "distribute," "distributed," "distributor," or "distribution" all refer to the sale marketing, dispersal and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders provided by other business concerns. The word "distributor" specifically refers to a company or its sales representatives, whether dependent or independent, responsible for sales or marketing of products.

10. The words "marketed," or "market" mean and include all efforts to assist in the distribution and/or sale of products. More generally, these terms refer to only efforts on your part or the part of manufacturers or distributors to sell or otherwise distribute products.

11. The words "medical advisory capacity" refer to the duties, abilities or capabilities of any member of Defendant's staff, or any individual or organization who has contracted with Defendant, to provide services of a medical nature, including but not limited to providing medical advice.

12. The words "trade organization," or "trade association" mean any organizations or associations of business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.

13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials,

substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.

14. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, prepare for fabrication or assembly, or any other action taken prior to completion of the product or material before the time of its shipment.

15. The words "sales materials," or "written sales materials" mean any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.

16. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products, either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name.

17. The words "research" or "research department" refer to efforts, whether scientific or otherwise, to develop new and/or different types of products, processes or designs of pre-existing products and is meant to incorporate all efforts that specifically contemplated the possible alteration of products.

18. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health,

including but not limited to, the safety of Defendant's workers and the safety of individuals using products manufactured by Defendant.

19. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining air quality, air contamination, dust content, safety of a facility or hazards at any site or facility.

20. The words "health hazards," or "potential health hazards" refer and relate to any injury, effect, damage, scarring, wound, impairment or disability of any part of the human anatomy, including but not limited to the lungs and lung linings.

21. The words "test" or "testing" are used in their broadest sense, including but not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in such airborne test samples, studies of the lung conditions of workers (by x-ray or other means of medical surveillance), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses and any other studies on the product concerning health and safety required by any governmental agency.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent applicable to the type of products sold, marketed, installed and/or distributed to those sites listed

in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven, Defendant will produce copies of photographs of various prototypical ovens.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent applicable to the products listed in response to Interrogatory No. 5 for those sites listed in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven; Defendant will produce copies of the available Green Sheets, and the Order and Shipping Lists.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Not applicable.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

See response to Request No. 2.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

See response to Request No. 2.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Not applicable. Defendant sold ovens.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent applicable to the prototypical type of the products listed in answer to Interrogatory No. 5, Defendant will produce copies of drawings of the relevant design features.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Not applicable. See response to Interrogatory No. 18.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Not applicable. See response to Interrogatory No. 19.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Not applicable. See response to Interrogatory No. 22.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Not applicable. See response to Interrogatory No. 23.

REQUEST FOR PRODUCTION NO. 14:

Please produce a true and correct copy of all tests in the field which Defendant conducted or caused to be conducted to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees or other workers removing and/or tearing out asbestos-containing products (this Request for Production relates to Plaintiffs' Interrogatory No. 24 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Not applicable. See response to Interrogatory No. 24.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Not applicable. See response to Interrogatory No. 31.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Not applicable. See response to Interrogatory No. 42.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Objection. See response to Interrogatory No. 41.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent applicable to the type of products listed in response to Interrogatory No. 5 for those sites listed in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven, Defendant will produce copies of available Indexes of Operator/Maintenance Manuals.

REQUEST FOR PRODUCTION NO. 19:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of

using asbestos-containing products mined, manufactured, sold, marketed, installed, or distributed by Defendant (this Request for Production relates to Plaintiffs' Interrogatory No. 48 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Not applicable. See response to Interrogatory No. 48.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Objection. This request is overbroad, and unduly burdensome. The possible statements from all people are innumerable. It is inappropriate to require Defendant to produce each statement from all people with knowledge of the aforementioned facts.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Not applicable. See response to Interrogatory No. 52.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Not applicable. See response to Interrogatory No. 53.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Objection. Defendant has sufficient limits of insurance to cover the potential exposure in this matter.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Not applicable. See response to Interrogatory No. 48.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Not applicable.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Objection. This request is overbroad, and unduly burdensome. The time period covered by this request is over 80 years. Hundreds, if not thousands, of ovens have been sold. It is inappropriate to require Defendant to produce all such documents.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Defendant will produce available copies of annual reports.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent

applicable to the prototypical type of the products listed in answer to Interrogatory No. 5, Defendant will produce copies of available Indexes of Operation/Maintenance Manuals.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

See response to Request No. 28.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Upon information and belief, there are none. Discovery and investigation are continuing.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Objection. This request is overbroad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence. However, without waiving its objection and to the extent applicable to the products listed in response to Interrogatory No. 5 for those sites listed in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven, Defendant will produce copies of photographs of prototypical ovens. See response to Request No. 1.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Objection. This request is overbroad, unduly burdensome, and, to the extent not already covered by these Requests and coincident Interrogatories, not calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Objection. This request is overbroad, unduly burdensome, and, to the extent not already covered by these Requests and coincident Interrogatories, not calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Objection. See response to Interrogatory 55.1. To the extent applicable, documents will be produced in accordance with the Court's Scheduling Order.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Objection. This interrogatory is premature and inappropriate. Witness information will be provided pursuant to the time frame set forth in the Court's Scheduling Order.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Objection. This defendant does not possess any records that have not been provided by Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Objection. This interrogatory is premature. Documents will be provided to the extent required by the Court at the appropriate time set forth in any Trial Order.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Objection. Any statements would be depositions in this case.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Upon information and belief, there are none.

REQUEST FOR PRODUCTION NO. 50:

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

- (a) Author of document;
- (b) Position, title or affiliation of author;
- (c) Date of document;
- (d) Each recipient of the document

- (e) The position, title or affiliation of each recipient of the document;
- (f) The subject matter of the document with sufficient specificity to determine the matters discussed therein; and
- (g) The privilege(s) asserted.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

None. Discovery and investigation are continuing.

REQUEST FOR PRODUCTION NO. 51:

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

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

and software used to create and/or maintain said an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Not applicable.

REQUEST FOR PRODUCTION NO. 52:

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

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

- (a) Robert H. Rander and Randy Zink;
- (b) The same means used in preparation of these responses and the coincident Interrogatories. See response to Interrogatory No. 1.1.

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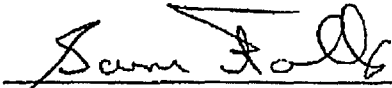
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(c) Upon information and belief, on or about July 11, 2003.

DATED: November 14, 2003



WILLIAM O. MARTIN, JR.
SAMUEL O. FOLLIS
HAIGHT, BROWN & BONESTEEL
Attorneys for APV BAKER

with consent of

LAURA KINGSLEY HONG
SQUIRE, SANDERS & DEMPSEY LLP
Attorneys for APV BAKER

VERIFICATION

STATE OF MICHIGAN

COUNTY OF ~~KENT~~ *OTTAWA*

)

) ss.

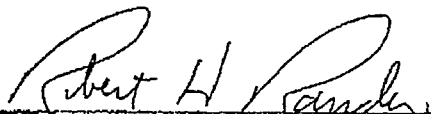
)

I have read the foregoing RESPONSE OF APV BAKER, A DIVISION OF APV
NORTH AMERICA, TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS
and know its contents.

I am a representative of APV Baker, a party to this action, and am authorized to make
this verification for and on its behalf, and I make this verification for that reason. I am informed
and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on November 13, 2003, at Conklin, Michigan.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.


Robert H. Rander

Subscribed and sworn to before me

this 13th day of November, 2003.


Notary Public in and for said
County and State

My Commission Expires 2-19-05

(SEAL)

APJC-0000034
2201500

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

)
) ss.:
)

Hedgren v. Chesterton, Inc., et al.
498230

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6080 Center Drive, Suite 800, Los Angeles, CA 90045-1574.

On November 14, 2003, I served on interested parties in said action the within:

RESPONSE OF APV BAKER, A DIVISION OF APV NORTH AMERICA, TO
PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS

by placing a true copy thereof in sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Los Angeles, California.

Ladd R. Gibke, Esq.
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Theresa L. Nelson, Esq.
Baron & Budd, P.C.
30 Overbrook Blvd., Suite "F"
Monroe, OH 45050

214.521.3605 F: 214.520.1181

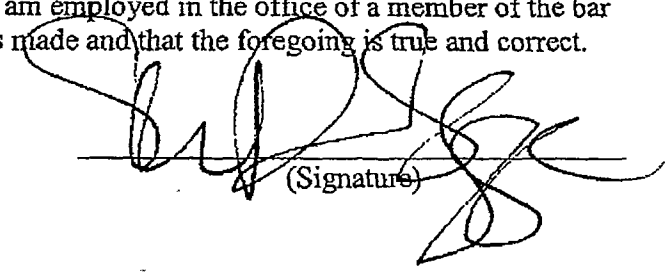
513.539.2912 F: 513.539.2907

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

Executed on November 14, 2003, at Los Angeles, California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Sean P. Swayze
(Type or print name)


(Signature)