

RAWLE & HENDERSON
By: Victoria H. Roberts
Identification No. 32838
By: Kathryn K. Deans
Identification No. 36821
One South Penn Square
The Widener Building
Philadelphia, PA 19107
(215) 575-4200

Attorneys for Defendants,
Borden, Inc., BCP Management, Inc.
and Borden Chemicals and Plastics

MARY ANN MONAGHAN, Executrix of
the Estate of Robert Monaghan,
Deceased, and MARY ANN MONAGHAN,
in her own right

v.

ALLIED-SIGNAL, INC., successor-in-
interest to ALLIED CORP. and
ALLIED CHEMICAL CORP., et al.

COURT OF COMMON PLEAS
MONTGOMERY COUNTY
CIVIL ACTION

NO. 93-02928

ANSWERS AND OBJECTIONS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES
ADDRESSED TO DEFENDANTS BORDEN, INC.,
BCP MANAGEMENT, INC., AND BORDEN CHEMICALS AND PLASTICS

Defendants, Borden, Inc., BCP Management, Inc., and Borden Chemicals and
Plastics, (hereinafter "Borden") by their attorneys, Rawle & Henderson, hereby respond to
Plaintiff's First Set of Interrogatories as follows:

GENERAL OBJECTIONS

The following general objections are hereby incorporated by reference into
each of Borden's responses to plaintiff's First Set of Interrogatories as fully as if therein set
forth at length.

1. Borden objects to all of plaintiff's interrogatories as irrelevant and
inapplicable to Borden, inasmuch as there is no evidence that Borden sold and/or shipped
the products at issue to plaintiff's decedent's employer during the alleged period of
exposure.

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2. BCP Management, Inc. and Borden Chemicals and Plastics object to all of plaintiff's Interrogatories & Requests for Production of Documents as irrelevant in that neither entity came into being until after decedent's alleged period of exposure.

3. Plaintiff's interrogatories seeking information as to particular products of Borden are premature and hence improper in that the interrogatories seek information about a product or products allegedly manufactured, produced, sold or supplied by Borden which have not been shown to either have been purchased by plaintiff's decedent's employer and/or used by decedent. Unless and until such products have been reasonably shown to have been purchased by decedent's employer and used by decedent, these interrogatories are premature and seek information which is irrelevant to the subject matter of this lawsuit and are not reasonably calculated to lead to the discovery of admissible evidence. In order to avoid the inordinate time and expense incident to gathering and furnishing the information sought, Borden submits that discovery be limited initially to establishing that decedent's employer purchased identifiable products manufactured, produced, sold or supplied by Borden and that decedent used these products as a prerequisite to the discovery sought herein.

4. Borden objects to plaintiff's interrogatories insofar as the interrogatories seek information as to any product other than vinyl chloride monomer (hereinafter referred to as "VCM"), the only product of Borden specifically referred to in plaintiff's Complaint to which plaintiff's decedent allegedly may have been exposed during the course of his employment at Firestone.

5. Borden objects to these interrogatories to the extent that the information sought is not limited to the period of plaintiff's decedent's employment nor limited to information concerning products, information, documents, or materials during the period in which Borden could have had sales of the products to decedent's employer. To the extent that plaintiff's interrogatories seek information concerning products, events,

documents or other materials relative to other periods of time, these interrogatories are overly broad, burdensome, onerous, irrelevant, vexatious and not reasonably calculated to lead to the discovery of material and admissible evidence:

6. Borden further objects to plaintiff's interrogatories on the grounds that, to the extent the interrogatories seek to discover "all" documents and other materials, names of individuals and/or other information, the interrogatories are overly broad, unduly burdensome, onerous, vexatious, unreasonably cumulative and duplicative, not susceptible of reasonable limitation and unduly vague and ambiguous.

7. Borden objects to plaintiff's interrogatories to the extent that the interrogatories seek the disclosure of proprietary information, trade secrets and/or commercially sensitive materials which should be governed by a protective order or agreement of the parties limiting the scope and use thereof before any information of this nature is furnished.

8. Borden objects to all Interrogatories and Requests for Production of Documents as irrelevant to the extent that they seek information concerning any alleged connection between exposure to vinyl chloride monomer and any medical condition other than glioblastoma multiforme, the form of brain cancer allegedly contracted by decedent.

9. Borden objects to plaintiff's definition of "you" and "your company" as improper, since under the Rules of Civil Procedure Borden is the only party named in this lawsuit and is the only party required to respond to plaintiff's interrogatories. Accordingly, any answers provided in response to these interrogatories are those of, and pertain to, Borden only and are not those of any other persons or entities and do not include any "predecessors" or "successors" as defined by the plaintiffs. Any answers to be provided will be based on information or documents in the possession or control of and reasonably available to Borden only. Furthermore, there is no allegation in plaintiff's Complaint that decedent's alleged illness was caused, in whole or in part, by any act, omission or defective

products of any party other than the parties named as defendants in plaintiff's Complaint and there are no allegations that Borden is liable for any acts, omissions or defective products as successors to any liabilities of any other persons or parties.

10. Borden objects to plaintiff's instructions "K" relating to documents which are no longer in existence and "L" relating to copies of business records as being unduly burdensome and onerous, overly broad and all-encompassing and would require Borden to make an unreasonable investigation.

11. For purposes of these interrogatory answers, decedent refers to Robert Monaghan.

DEFINITIONS:

As used in this set of Interrogatories, the following terms mean:

A. The words "you", or "your company" mean the corporate defendant separately answering these Interrogatories, its parent(s) its merged, consolidated, or acquired predecessor, divisions, subsidiaries, and/or affiliates, including present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate defendant or its predecessors, subsidiaries and/or affiliates; mean 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 "Successor (s)" means any business firm, whether or not incorporated, which purchased all or some' of your assets or which acquired you or any of your predecessors, whether by merger, consolidation or otherwise.

B. "Investigation". This term shall include any and all inspections, examinations or tests of (a) the product, (b) the incident, and (c) the scene of its occurrence - no matter when conducted or by whom conducted and geography, beginning at

the time and place at which it was first assembled or manufactured as a completed product or a finished product and ending at the present date and place of its location.

C. "Study", "Studies". Either of these words is intended to refer to any study made by or on behalf of the defendant or a study made by some other person, firm or corporation to which the defendant referred in selecting the design that was adopted by the defendant for said product (or any subsequent change thereto) or in the course of the investigation of "said incident." The word study includes marketing analysis, "predictive analysis," "tests," "engineering analysis of hazards" and "benefits,, "cost/benefits" analysis, "quality assurance" analysis, documentation of or summaries of analysis of "other similar incidents."

D. "Test(s)". This word is intended to refer to any test made by or on behalf of the defendant or tests made by some other person, firm or corporation to which the defendant referred in selecting the design that was adopted by the defendant for said product (or any subsequent change thereto), or in the course of the investigation of said incident. The word test(s) includes static and dynamic tests, whether involving models or full size components; the word test(s) includes computer-simulated dynamic and static testing.

E. As used herein, the words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement.

F. "Identify" when referring to a person or business means to list the full name, address and phone number; "identify", when referring to a document means to state its title, date, subject matter and substance, its authority and each addressee, its present location, and its present custodian.

G. The term "said products" or "products" as used hereinafter in these Interrogatories shall mean vinyl chloride and vinyl chloride containing resins.

H. The term "plaintiff's employer" is defined as Firestone Tire and Rubber Company and its successor Occidental Chemical Corporation, Armand Hammer Boulevard, Pottstown, PA.

I. "Alleged period of exposure" refers to the period of time from September, 1952 to March, 1981 during which Plaintiffs have alleged that Plaintiff/decedent was exposed to said product.

J. These Interrogatories are deemed to be continuing and the Defendant is to supply such information and/or documents as they become aware of and/or as such becomes available.

INSTRUCTIONS:

K. If the Interrogatory asks for information which could have at some time been answered by consulting documents which are no longer in existence, then in answer to such Interrogatory:

- (a) Identify what information was maintained;
- (b) Identify all the type(s) of documents which contained such information;
- (c) State the time period during which such documents were maintained;
- (d) State the circumstances under which such documents ceased to exist;
- (e) State the date when such documents ceased to exist;
- (f) Identify all persons having knowledge of the circumstances under which such documents ceased to exist; and
- (g) Identify all persons who have knowledge or had knowledge of the documents and the contents thereof.

L. If Defendant exercised its option to produce business records in lieu of responding to any Interrogatory, the following procedure is to be followed:

1. In response to such Interrogatory, Defendant shall state:
 - (a) The identity of the records containing the answer,
 - (b) Whether other copies of each record are presently in existence, and if so, identify (1) the location of other copies by stating the name(s) of the file(s) in which they are kept and (2) the person(s) who received copies thereof;
 - (c) Whether other copies of each record were at any time in existence and if so, for each record, identify (1) each file in which a copy was manifested, (2) the dates during which such record was in existence, (3) the circumstances under which such record ceased to exist; (4) all persons having knowledge of the circumstances under which such record ceased to exist; and (5) all persons receiving copies of such records; and
 - (d) The identity of all persons reviewing such documents.
2. In producing such records, Defendant will produce such records separately and will designate the Interrogatory or Interrogatories to which such record responds, as well as the identification of the file(s) from which the documents were segregated.

M. If you object to any Interrogatory based upon an assertion that the Interrogatory is too broad or over inclusive, then state the objection and answer the Interrogatory subject to the limitations you prescribe.

N. If you object to any Interrogatory based upon privilege, either the attorney client privilege or attorney work product doctrine, then state the objection and identify any documents, by title, which contain the information to which is being objected.

SPECIFIC OBJECTIONS AND ANSWERS

1. Prior to answering these Interrogatories, have you made due and diligent search of all books, records, and papers of the Defendant and due and diligent inquiry of all agents employees of the Defendant with a view to eliciting all information available in this action?

Objection. Interrogatory No. 1 is objected to on the grounds that it is overly broad, onerous, and unreasonable in scope and direction. Borden possesses and/or controls many thousands of books, records, and papers and has had many thousands of agents/employees during the relevant time period. An interrogatory requiring a search of all such records and inquiries of all such personnel is unreasonable and not required pursuant to the Rules of Civil Procedure. Furthermore, this interrogatory seeks information which is irrelevant to the subject matter of this litigation regarding decedent's alleged exposure to Borden's products and is not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks search and inquiry for information regarding alleged sales of Borden's products to any entity other than decedent's employer and delivery at decedent's employer's Pottstown facility. It is further objected that this interrogatory seeks disclosure of privileged information.

Without waiving said objections, and with the above stated qualifications, Borden has attempted to respond to these interrogatories limited to available records and materials involving alleged sales of a Borden product to decedent's employer and to the extent that information or documents are in Borden's possession and are reasonably available to it to enable it to respond to these interrogatories. In addition, Borden's investigation of the allegations contained in the Complaint is continuing and Borden reserves the right to supplement these answers at a later time.

2. Please identify each person who has supplied information used in answering these Interrogatories and specify the Interrogatories for which he/she is responsible.

Objection. Objections to interrogatory No. 1 are incorporated herein.

Without waiving said objections:

Vincent Brockman, Esquire, Law Department, Borden, Inc.

3. Identify each person who was questioned or consulted in order to answer these Interrogatories.

Objection. Objections to interrogatory No. 1 are incorporated herein.

Without waiving said objections, see answer to interrogatory No. 2.

4. Identify each document that was examined, reviewed, and/or used in answering each Interrogatory and specify the Interrogatory.

Objection. Objections to interrogatory No. 1 are incorporated herein.

Further, this interrogatory is unduly burdensome and onerous, requests attorney work product, and improperly requests Borden to prepare and produce summaries of documents not presently in existence and/or not relevant to the alleged sale of Borden's products to decedent's employer. See Borden's answer to interrogatory No. 15 and response to plaintiffs' Request for Production of Documents.

5. State your correct name and address as of the following dates:

- a. September, 1952;
- b. March, 1981;
- c. The present date;
- d. If name or address changed at anytime between September, 1952 and the present, state the date of each such change.

As to Borden, Inc.:

- (a) Borden, Inc., 350 Madison Avenue, New York, New York.

- (b) Borden, Inc., 180 East Broad Street, Columbus, Ohio.
- (c) See answer to question 5(b).
- (d) The address and principal place of business changed from (a) to (b) above in the early 1970's.

As to BCP Management, Inc.:

- (a) N/A - not in existence until 1987.
- (b) N/A - see (a) above.
- (c) BCP Management, Inc., 180 East Broad Street, Columbus, OH.
- (d) N/A.

As to Borden Chemicals and Plastics:

- (a) N/A - not in existence until 1987.
- (b) N/A - see (a) above.
- (c) Borden Chemicals and Plastics Limited Partnership, Hwy. 73, Geismar, LA.
- (d) N/A.

6. If you are a corporation, then state:

- a. Date and place of your incorporation;
- b. The address of your principal place of business;
- c. The correct name, designation of business entity, and details of your relationship with any parent, subsidiary, or affiliate corporation, conglomerate, cartel, partnership, etc.

As to Borden, Inc.:

- (a) New Jersey, 1899.
- (b) 180 East Broad Street, Columbus, Ohio.

As to BCP Management, Inc.:

- (a) Delaware; August 6, 1987.
- (b) 180 East Broad Street, Columbus, OH.

As to Borden Chemicals and Plastics:

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- (a) Not a corporation.
- (b) Not a corporation.
- (c) Objection. This interrogatory is objected to on the grounds that it is overly broad, onerous, burdensome and is not limited in time or scope of direction. Furthermore, this question requests information which is not relevant to this cause of action and is not designed to obtain admissible evidence.

Without waiving said objections, Borden Chemicals and Plastics, Inc. Partnership (the "Partnership") currently owns and operates, through Borden Chemicals and Plastics operating limited partnership (the "Operating Partnership"), the Basic Chemical and PVC Resin business and assets of Borden, Inc. located at Geismar, Louisiana and Illiopolis, Illinois. BCP Management, Inc., a wholly-owned subsidiary of Borden, Inc. is the general partner of each of the partnerships.

7. If you are either a successor or a predecessor to some other legal entity, then state:
- a. The date on which the transaction by which you became a successor or predecessor was completed;
 - b. The correct name, designation of legal entity, and details of your relationship with any successor or predecessor corporation, partnership, person, cartel, conglomerate, etc.

Objection. Objections to interrogatory No. 6 are incorporated herein. This interrogatory is objected to on the grounds that it is overly broad, onerous, burdensome and is not limited in time or scope of direction. Furthermore, this question requests information which is not relevant to this cause of action and is not designed to obtain admissible evidence.

Without waiving said objections:

- (a) N/A. See answer to interrogatory No. 6.
- (b) N/A. See answer to interrogatory No. 6.

8. a. List all shipments of the product, (see definition G) which you and/or someone on your behalf supplied, distributed, sold, merchandised or delivered either directly or indirectly to Plaintiff/decident's employer during Plaintiff/decident's alleged period of exposure (see definition I).

Objection. Objections to interrogatory No. 1 are incorporated herein.

Further, this interrogatory is unduly burdensome and onerous and requests information which is not relevant to this cause of action involving alleged sales of any Borden product to decedent's employer's Pottstown facility. Furthermore, Borden's answer is limited to the extent that Borden has records or other information reasonably available to it to enable it to prepare answers hereto.

Without waiving said objections, no shipments of the products at issue to the decedent's employer's Pottstown facility during the alleged period of exposure have been identified in Borden's records or in any information provided by plaintiff. Moreover, Borden's records for years prior to 1980 are no longer in existence, pursuant to Borden's document retention policies. Although Borden plant personnel have been questioned as to any recollection of shipments to plaintiff's decedent's employer's Pottstown facility during the alleged period of exposure, no such personnel recall any such shipments. Absent any evidence that plaintiff's decedent was exposed to Borden's products, Borden's answers to the discovery sought herein are irrelevant to any cause of action asserted by plaintiff herein.

- b. For each shipment listed in Interrogatory 10(a) [sic] provide the date and amount, in volume and monetary value, of each transaction; identify all documents regarding these transactions.

The objections to interrogatory No. 8(a) are incorporated herein. Borden further objects to this interrogatory seeking the "monetary value" of Borden's products as seeking information which is confidential in nature and which is

irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving said objections, not applicable. See answer to interrogatory No. 8(a).

9. Does this defendant have knowledge from any source whatsoever indicating that, between September 22, 1952 to March 2, 1981, this defendant sold, supplied or delivered any products to Firestone Tire and Rubber Company, Pottstown, Pennsylvania or to any agent or employee of Firestone Tire and Rubber Company, Pottstown, Pennsylvania.

No. See answer to interrogatory No. 8(a).

10. In regards to Interrogatory #9, if answered in the affirmative, please provide the following:

- a. The brand name and manufacturer of the product this defendant delivered, sold or otherwise supplied;
- b. A description of the product;
- c. The dates this defendant delivered, sold or otherwise supplied the product;
- d. The vinyl chloride content of each product;
- e. To the extent that this defendant has documentation, please estimate the quantity of each type of product delivered, sold or otherwise supplied by this defendant during each time period listed in Interrogatory #9(c);
- f. The name and address of each living individual who delivered, sold or otherwise distributed each product listed in Interrogatories #9 or who has direct knowledge of such sale, delivery or distribution;
- g. A detailed description of the manufacturers' intended manner of application of each product;
- h. The name of each individual or corporation to which each product was delivered, sold, supplied or otherwise conveyed;
- i. Please list all documents reflecting such sales, supply and/or delivery to Firestone Tire and Rubber Company, Pottstown, Pennsylvania.

Not applicable. See answer to interrogatory Nos. 8 and 9.

11. What was and is the intended use of the product, (see definition G), shipped to Plaintiff/decedent's employer?

Not applicable. See answer to interrogatory No. 8(a).

12. For each shipment identified in Interrogatory #10(a) state:

- a. The generic name;
- b. The brand name;
- c. The chemical composition of each shipment, including the amount of each ingredient by weight and/or by volume;
- d. The year of manufacture;
- e. The address of each plant or facility which produced each of the aforesaid shipments;
- f. If you did not manufacture the product, identify who did;

Not applicable. See answer to interrogatory No. 8(a).

13. For each and every shipment listed in answer to Interrogatory #10:

- a. Describe how the product was packaged when the product left your possession; include type of container, color, and all external markings;
- b. If there was/is any writing on the outside of the container, please attach either a copy of the writing or label or state the complete wording of any writing (include type, size and color);
- c. If any of the foregoing changed during Plaintiff/decedents alleged period of exposure, please indicate the dates of usage for each container type and the writing on each container.

Not applicable. See answer to interrogatory No. 8(a).

14. With respect to each and every shipment listed in answer to Interrogatory #10, did you conduct any test, study, inspection, or quality control examination of the product prior to it leaving your control?

If your answer is in the affirmative, then:

- a. Identify all individuals who participated in any tests, studies or inspections;
- b. State the dates(s) of all tests, studies or inspections and all locations where tests, studies or inspections were conducted;
- c. Identify each and every document or writing, by whatever name called, that related to or reflected the conduct of or the conclusion of any such investigation, study or test, specifically including, but not limited to photographs or statements;
- d. State the results of each test, study or inspection.

Not applicable. See answer to interrogatory No. 8(a).

15. Have you at anytime manufactured, blended, marketed, supplied or distributed the product as defined at definition G?

Objection. Objection to interrogatory No. 8 is incorporated herein. Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information regarding alleged sales of Borden's products to any entity other than decedent's employer and delivery at said employer's Pottstown facility. Borden also objects to this interrogatory as seeking proprietary information and commercially sensitive material which should be governed by a limiting protective order or agreement.

If yes, then state:

- a. The inclusive dates which you have manufactured, blended, packaged, marketed, supplied or distributed the product;

Without waiving said objections, Borden began manufacturing VCM in the early 1960's for use in its own facilities.

- b. For each year, the annual volume of sales.

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Without waiving said objections, the production of VCM was for internal consumption or use, rather than industrial/commercial sales. See also answer to interrogatory No. 8(a).

16. Do you own, or have you been granted the license to use, any patent or patent right with respect to the product, the component ingredients of said product, and/or the manufacturing process used to make said product?

Not applicable.

If yes, then identify:

- a. The title of each patent;
- b. The number of each patent;
- c. The holder of each patent.

17. With respect to Plaintiff/decedent's alleged period of exposure, for each and every chemical ingredient which you purchased in order to make the product, identify:

- a. The name of the chemical, both generic and brand name;
- b. The name of the chemical supplier;
- c. The years during which the supplier provided the product;
- d. Each and every document provided to you regarding any potential health hazard or risk of injury caused by potential exposure to the chemical ingredient, including but not limited to material safety data sheets.

Objection. Objections to interrogatory No. 1 are incorporated herein.

Further, this question is unduly burdensome and onerous and requests information which is not relevant to this cause of action involving alleged sales of Borden's product to decedent's employer's Pottstown facility. Furthermore, Borden's answer is limited to the extent that Borden has records or other information reasonably available to it to enable it to prepare answers hereto.

Without waiving said objections, see answer to interrogatory No. 8(a).

18. Have any tests been conducted by you or on your behalf on the product in order to determine potential health hazards involved in the use, handling or exposure to the product or the materials contained therein?

If yes, state for each product:

- a. The identity of each individual or firm who conducted such tests;
- b. The date, purpose and result of each such test;
- c. Identify and produce all documents relating to such tests.
- d. Whether such tests are conducted on all products manufactured, processed or developed by defendant; and
- e. The criteria used by defendant to determine which products are to be tested.

Objection. This interrogatory, including subparts (a) through (e), is objected to on the grounds that it is overly broad, onerous and burdensome and is not reasonably limited to time and scope of direction. Further, to the extent that this interrogatory requests information relating to alleged sale of Borden's product to a facility other than decedent's employer's Pottstown facility, such information is irrelevant to this cause of action and is not designed to reasonably obtain admissible evidence.

Without waiving said objections, see answer to interrogatory No. 8(a).

19. Have you made any changes in your product(s), the component ingredients selected to be used in said product, the packaging of said product and/or any warnings or instructions accompanying said product as a result of such test?

If so, state:

- a. The product change(s);
- b. The nature of the change(s) made;
- c. The purpose(s) of the change(s);
- d. The date of such change(s);

- e. The identity of each person or firm responsible for making the change(s).

Objection. This interrogatory is objected to on the grounds that it is overly broad, onerous and burdensome and is not reasonably limited in time and scope of direction. Furthermore, to the extent that this interrogatory requests information relating to alleged sale of Borden's product to a facility other than decedent's employer's Pottstown facility, such information is irrelevant to this cause of action and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving said objections, see answer to interrogatory No. 8(a).

20. Is it now, or has it ever been, the policy of your company to take every reasonable step to reduce or eliminate the risk of injury or disease which might be associated with the use, handling, and/or exposure to your product?

Objection. This interrogatory is overly broad in that it is not limited to the period of time during which Borden allegedly may have sold any products to decedent's employer nor to the period of decedent's alleged exposure. Furthermore, this interrogatory is unduly vague and ambiguous, as Borden can only guess as to the meaning of "every reasonable step", and this interrogatory improperly requests Borden to make and/or provide plaintiff with legal conclusions of Borden.

Without waiving said objections, yes.

21. List each and every potential injury or illness which may be caused by or contributed to as the result of use, handling, storage and/or exposure to your product.

Objection. This interrogatory is overly broad and unduly vague, seeks information not relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to seeking information relating to the particular illness allegedly contracted by decedent, to the time period during which Borden allegedly sold said products to decedent's

employer, to the period of decedent's alleged exposure or to illnesses substantially similar to that of decedent arising from alleged exposures of the nature and extent experienced by the decedent. This interrogatory is further improper as seeking a medical opinion and expert discovery exceeding the scope of allowable expert and non-expert discovery. This interrogatory is unduly burdensome and onerous due to the impossibility of stating every potential injury or disease.

22. Have you or your predecessors or successors ever recalled said product?

If yes, state:

- a. The date of such recall;
- b. The reason for such recall;
- c. The specific product recalled;
- d. The method of recall.

Objection. This interrogatory is objected to on the grounds that it is overly broad in that it is not limited to the period of time during which Borden allegedly may have sold any products to decedent's employer's Pottstown facility nor to the period of decedent's alleged exposure to Borden's products. Furthermore, this interrogatory is overly broad in that it is not limited to recalls for reasons relating to hazards or risks of contraction of the type of illness or injury allegedly contracted by decedent arising from alleged exposures of the nature and extent experienced by decedent. See answer to Interrogatory No. 15.

23. During the period of time of Plaintiff/decedent's alleged period of exposure, has any written material of any kind been prepared or used by you indicating how the product should be used, stored, applied or handled by purchasers; and/or has any written material or instruction of any kind, been prepared or used by you indicating the type of personal protective equipment to be worn while working with and/or in the area of use of the product?

If so, please identify:

- a. Each person or firm who prepared same;
- b. Each person or firm who presently has possession of same;
- c. The date(s) and manner in which said material was distributed to purchasers or users of your products(s);
- d. All documents provided to Plaintiff/decedent's employer including the date and manner in which they were provided.
- e. The person or persons who were in charge of safety, product review, or industrial hygiene for the Defendant.
- f. The person or persons who were in charge of preparing material safety data sheets, product labels, injury prevention systems, and written material regarding potential health hazards for the Defendant.

(a)-(d). Objection. These interrogatory subparts are overly broad to the extent that they seek information not limited to the period of time during which Borden allegedly had sales of the products to decedent's employer nor to written materials or information supplied to decedent's employer concerning any potential hazards of the contraction of the particular illness or injury allegedly suffered by decedent.

Without waiving said objections, Borden responds to subparts (a) through (d) as follows: See answer to interrogatory No. 8(a).

(e)-(f) . Objection. These interrogatory subparts are objected to on the grounds that they are overly broad to the extent that they are not limited to the period of time during which Borden allegedly sold any products to decedent's employer and to the extent that they are not limited to Borden's personnel involved with the specific product allegedly involved in this cause

of action. Furthermore, these interrogatory subparts are unduly vague and ambiguous and Borden can only guess as to the meaning of the terms "safety, product review, industrial hygiene" or "injury prevention systems, and written material regarding potential health hazards".

Without waiving said objections, Borden responds to subparts (e) through (f) as follows: See answer to interrogatory No. 8(a).

24. Before marketing and/or selling your product, did you or anyone on your behalf conduct a search or review of the medical or scientific literature concerning potential health hazards associated with such product or the polymerization process, in which your product is used. If your answer is in the affirmative, please state:
- a. the particular activities performed;
 - b. when such activities were performed;
 - c. by whom such activities were performed;
 - d. to whom the results of such activities were reported or communicated.

Objection. Borden objects to this interrogatory as overly broad and unduly burdensome, in that it is not limited to the period of plaintiff's decedent's alleged exposure nor is it limited to alleged potential health hazards of contraction of the particular illness or injury allegedly suffered by decedent. Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Vinyl Chloride monomer was not "marketed" as it was intended for internal use.

Without waiving said objections, see answers to interrogatories No. 8(a) and 15.

25. When did you first become aware of the relationship between exposure to your product and the development of the following medical conditions in any individual so exposed:
- a. brain cancer;

- b. liver abnormalities;
- c. sclerosis of the skin; and/or
- d. central nervous system abnormalities

Objection. Borden objects to this interrogatory as calling for medical conclusions and further objects to it as overly broad and burdensome in that it is not limited to the time period of, or the circumstances of, plaintiff's decedent's alleged exposure or plaintiff's particular form of brain cancer.

Without waiving said objections, see answer to interrogatory No. 8(a).

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

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

Objection. Borden objects to this interrogatory as overly broad in that it is not limited as to time, objects to it as unduly vague in that Borden does not know the meaning of "or other activities," and further objects to it as burdensome. Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving said objections, see answer to interrogatory No. 8(a).

27. State when, if at all, this defendant became aware of publications concerning any health hazards associated with this defendant's product and for each such publication identify who received such knowledge and all documents relating to such acquisition of information, including the publications themselves.

Objection. Borden objects to this interrogatory as overly broad in that it is not limited as to the time period of plaintiff's decedent's alleged exposure. This interrogatory is also objected to as vague with respect to "any health hazards" and as burdensome.

Without waiving said objections, see answer to interrogatory No. 8(a).

28. State what action, if any, you have taken since 1930 to minimize or eliminate any risk of occupational disease or cancer to those engaged in the manufacture or production of defendants' product.

Objection. Borden objects to this interrogatory as overly broad with respect to time and with respect to "any risk of occupational disease or cancer". Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information pertaining to exposure during manufacture of Borden's product and is not limited to the circumstances of alleged exposure of plaintiff's decedent.

Without waiving said objections, see answer to interrogatory No. 8(a).

29. State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or cancer to those engaged in the use, as distinguished from the manufacture, of your product or who were otherwise exposed to your product.

Objection. Borden objects to this interrogatory as overly broad with respect to time and with respect to "any risk of occupational disease or cancer". Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information pertaining to exposure during use of Borden's

product and is not limited to the circumstances of alleged exposure of plaintiff's decedent.

Without waiving said objections, see answer to interrogatory No. 8(a).

30. Did this defendant at anytime between 1930 and the present, consult, employ, or correspond with an industrial hygienist concerning exposure of individuals to defendant's product. If your answer is in the affirmative, state the names, addresses and title or position of each such person who at anytime between 1930 and the present was employed in any of the above roles for this defendant.

Objection. Borden objects to this interrogatory as overly broad in that it is not limited to the period of time of plaintiff's decedent's alleged exposure, nor is it limited to the type of illness or injury allegedly affecting decedent, and as unduly burdensome in requiring an unreasonable and impossible investigation.

Without waiving said objections, see answer to interrogatory No. 8(a).

31. Did this defendant at anytime between 1930 and the present consult, employ, or correspond with a physician or licensed medical practitioner concerning exposure of individuals to defendant's product. If your answer is in the affirmative, state the names, addresses and title or position of each such person who at anytime between 1930 and the present was employed in any of the above roles for this defendant.

Objection. Borden objects to this interrogatory as overly broad in that it is not limited to the period of time of plaintiff's decedent's alleged exposure, nor is it limited to the type of illness or injury allegedly affecting decedent, and as unduly burdensome in requiring an unreasonable and impossible investigation.

Without waiving said objections, see answer to interrogatory No. 8(a).

32. Did this defendant at anytime between 1930 and the present, compile a library of medical literature and research or conduct a search of medical literature and research concerning exposure of individuals to defendant's product. If your answer is in the affirmative, state the names, addresses and title or position of each such person who at any time between 1930 and the present was responsible for such library, medical literature and research.

Objection. Borden objects to this interrogatory as overly broad in that it is not limited to the period of time of plaintiff's decedent's alleged exposure, nor is it limited to the type of illness or injury allegedly affecting decedent, and as unduly burdensome in requiring an unreasonable and impossible investigation.

Without waiving said objections, see answer to interrogatory No. 8(a).

33. During the Plaintiff/decedent's alleged period of exposure, identify each and every document, if any, provided to Plaintiff/decedent's employer which advised or warned of any potential health hazards of the use, handling and storage of Defendant's product. For each such document identified, describe the manner in which that document was provided to plaintiff/decedent's employer.

Objection. Objections to interrogatories Nos. 8, 17 and 23 are incorporated herein.

Without waiving said objections, no VCM shipments to decedent's employer's Pottstown facility have been identified. See answer to Interrogatory No. 8(a).

34. Have you at any time published and/or distributed to anyone any document containing any warnings, advice and/or discussion concerning the possibility of illness, disease, or injury resulting from the use of or exposure to said products?

If so, please state:

- a. The wording of each such warning;
- b. A description of each such document, including size, color and type of print;
- c. The method used to distribute the warnings to persons who are likely to use, handle or be exposed to your products(s);
- d. The date(s) such warning was issued;
- e. The identity of each person who presently has possession of the above-described documents;
- f. The identity of and list of all documents mentioned in parts (a) through (e) of this question;
- g. In particular, was any warning ever given, either in writing or in any other manner, concerning the possibility of pulmonary, neurologic,

carcinogenic or immunological damage caused by physical exposure to the product?

- h. If any recommendations were made to limit the possibility of these health hazards either through production design or personal protective equipment, please list those recommendations.
- i. List and identify all warnings provided to Plaintiff/decedent or Plaintiff/decedent's employer.
- j. List and describe any testing, performed by you or on your behalf, to determine if any warning sign, label, or placard was effective in advising foreseeable uses as to any potential risk or hazard.

Objection. Objections to interrogatories Nos. 8, 17 and 23 are incorporated herein. Further, this interrogatory, including subparts (a) through (j), is overly broad in that it is not limited as to time and in that it seeks information which is wholly irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information regarding warnings as to any potential risk of the contraction of any illness or injury other than that allegedly suffered by decedent. Furthermore, inquiries regarding warnings which may have been provided by decedent's employer should be directed to said employer. Furthermore, this interrogatory is unduly vague and ambiguous and Borden can only guess as to the meaning of the phrase "effective in advising foreseeable uses" as to the scope of the information sought by plaintiff.

Without waiving said objections, see answer to Interrogatory No. 8(a).

35. Have you either specifically forbidden, warned against or suggested any kind of restriction or limitation of the use of said product?

If so, please state:

- a. The name, address and relationship of the person or persons who determined said restriction or limitation;
- b. The name, address and relationship to you of the person who wrote the document restricting or limiting the use of said product;

- c. The identity and description of any document or publication in which any and each such restriction or limitation on the use of said product was published.

Objection. Objections to interrogatories Nos. 23 and 34 are incorporated herein. Furthermore, this interrogatory is unduly vague and ambiguous in that Borden can only guess as to the nature and scope of the information sought by plaintiff's request for information regarding "any kind of restriction or limitation of the use" of the alleged product.

Without waiving said objections, see answer to interrogatory No. 8(a).

- 36. Have you ever given any warnings to your employees as to the potential risk of illness, injury and/or disease by reason of their use, handling, or exposure to these products or their component ingredients?

If so, state:

- a. The date of each such warning;
- b. How such warnings were given;
- c. If such warnings were written, state:
 - 1. The date(s) of such warning(s);
 - 2. The present location of such warning(s);
 - 3. The names and addresses of individuals who prepared such warning(s);
 - 4. Where and/or how such warning(s) were posted;
 - 5. The reasons for such warning(s);
- d. Describe in detail what personal protective equipment you provide and/or recommend to your employees who work with the product or work in an area where there is a potential of exposure to said product.

Objection. Objections to interrogatories Nos. 23 and 34 are incorporated herein. Further, this interrogatory seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence in that decedent was not employed by Borden and

plaintiff does not claim that decedent's illness or injury was caused by exposure during the manufacture or production by Borden of any product nor by any exposure substantially similar to those of Borden's employees.

Without waiving said objections, see answer to interrogatory No. 8(a).

37. To your knowledge, has any governmental or private agency, or other entity, issued guidelines suggesting (a) personal protective equipment to be worn while working with or in the area of the product and/or (b) safe industrial hygiene practices to be followed while working with or in the area of the product?

If so:

- a. Identify the agency or entity issuing the guideline;
- b. State the content of the guideline(s) verbatim;
- c. State the date issued and the date you first knew the purpose of the guideline(s).

Objection. This interrogatory is unduly burdensome and requires Borden to make an unreasonable investigation. The information requested by plaintiffs is equally available to plaintiffs from other sources and can be readily obtained by plaintiffs from a source that is more convenient, less burdensome and/or less expensive. Furthermore, this interrogatory is objected to as seeking information which is irrelevant to the subject matter of this litigation to the extent that it seeks information regarding alleged exposures by decedent to Borden's products during any time period other than the period of alleged sales by Borden to decedent's employer and other than during decedent's alleged period of exposure and insofar as said guidelines are not applicable to work place exposures similar to that experienced by decedent. This interrogatory also improperly seeks the disclosure of attorney work product and of the mental impressions, conclusions, opinions or theories of Borden's attorneys.

Without waiving said objections, see answer to interrogatory No. 8(a).

38. Please describe the substance and content of all claims or representations made by you, to Plaintiff/decedent's and/or to Plaintiff/decedent's employer either orally or in writing, as to the quality, safety, or fitness of the products preceding March 2, 1981.

Objection. Objections to interrogatory No. 23 are incorporated herein.

Further, this interrogatory is ambiguous and Borden can only guess as to the meaning of the phrase "claims or representations". Furthermore, this interrogatory is overly broad insofar as it is not limited to information regarding any alleged hazards of the contraction of the particular illness allegedly suffered by decedent from exposure substantially similar to that allegedly experienced by the decedent.

Without waiving said objections, no VCM shipments to decedent's employer's Pottstown facility during the alleged period of exposure have been identified. See answer to interrogatory No. 8(a).

39. State whether defendant has ever advertised the product in any publication, periodical, trade brochure or other printed material.

Objection. Borden objects to this interrogatory as overly broad and burdensome in that it is not limited as to time.

Without waiving any of the aforesaid objections, Borden responds that its production of VCM was intended for internal use and no advertising activities were undertaken. See answer to interrogatory No. 15. See also answer to interrogatory No. 8(a).

40. If the answer to Interrogatory #39 is affirmative, state the name and address of each such publication, periodical, brochure or printed material and the exact wording of each such advertisement so published.

Not applicable.

41. Have you, at any time, been a member of any "trade association" or association composed of other manufacturers, suppliers, distributors, producers, processors, compounders, converters, sellers, merchandisers, and/or anyone otherwise placing in the stream of commerce the product as defined in definition G?

If so, state:

- a. The identity of each such association or organization;
- b. The dates during which you were a member;
- c. The name of any publication published or written by such association or organization;
- d. The dates and addresses of all other members;
- e. The dates of meetings you attended and the identity of those in attendance;
- f. Any speaker at such meetings;
- g. Were transcripts or summaries or minutes or notes or any other type of recording made of such meetings.

If so, tell specifically what recording was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and/or minutes and/or notes mentioned above.

Objection. This interrogatory is overly broad to the extent that it seeks information concerning Borden's membership in any association whatsoever and during any period of time other than during the period of decedent's alleged exposure to Borden's products. Furthermore, this interrogatory question is overly broad and unduly burdensome and seeks the discovery of information which is irrelevant to the subject matter of this litigation and it is not reasonably calculated to lead to the discovery of material or admissible evidence.

Without waiving said objections, see answer to interrogatory No. 8(a).

42. Have you been contacted by or learned of any person(s) who allege that she/he has suffered any adverse health effect as the result of the use, handling, storage and/or exposure to your product?

If yes, then state:

- a. The name of such person(s);
- b. The date you first learned of their allegation or inquiry;
- c. The name of your product to which such person(s) was exposed;
- d. The types of symptoms allegedly suffered by such person(s);
- e. Any investigation performed by you or on your behalf regarding said allegation or inquiry.

Objection. This interrogatory, including subparts (a) through (e), is overly broad and unduly burdensome and seeks the discovery of information that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, in that it is not limited to allegations of the contraction of the illness allegedly contracted by plaintiff's decedent from the alleged exposure to Borden's products which is alleged to have caused plaintiff's decedent's illness, nor limited to such illnesses allegedly arising from exposure substantially similar to the alleged exposure of the decedent. Furthermore, this interrogatory is overly broad insofar as it seeks the discovery of information concerning claims made subsequent to the last date of plaintiff's decedent's alleged exposure to Borden's products.

Without waiving said objections, see answer to interrogatory No. 8(a).

43. Has a suit of law or equity ever been instituted against you where it has been alleged that physical injury, illness, disease or death has resulted from use of and/or exposure to the product(s)?

If yes, then state with complete detail:

- a. The date of this alleged injury;
- b. The name and address of the party so injured;
- c. The caption of said lawsuit, including the name of all parties and the court term and number;

- d. The name, location, and address of the court where the claim or suit was filed;
- e. The name and address of Plaintiff's legal counsel;
- f. The type of injury allegedly suffered;
- g. The name of your product which is the subject of said suit;
- h. If the matter has been resolved through judgment, settlement or release, please indicate outcome.

Objection. Objections to interrogatory No. 42 are incorporated herein.

Without waiving said objections, see answer to interrogatory No. 8(a).

44. Has the defendant ever had a safety or industrial hygiene department or employees whose jobs or functions include availability for consultation in, and/or the making of recommendations regarding the design, manufacture, marketing, labeling or packaging of the product and/or product literature?

If so, then state:

- a. The name, address, job titles, and division and/or department of any such person or persons;
- b. Which of these persons were consulted during the design, manufacture, labeling, packaging, or information provided on packaging regarding the products?

Objection. This interrogatory is overly broad in that it is not limited to Borden's departments or employees with relevant information during the period of time prior to decedent's last alleged exposure to Borden's products. Further, this interrogatory is overly broad in that it seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not limited to the discovery of information concerning warnings of the contraction of the particular illness allegedly suffered by decedent from alleged exposure to Borden's products substantially similar to any exposure experienced by decedent.

Without waiving said objections, see answers to interrogatory Nos. 8(a) and 15.

45. Do you contend that the Plaintiff/decedent either was using the product, or was exposed to a use of said product, in a manner which was not intended, not recommended or was outside the scope of the uses for which you anticipated said product?

If so, then:

- a. Describe in detail how or in what specific manner said product was being misused;
- b. Describe and identify each and every writing or oral statement regarding the proper intended use of said product which you say were violated by the use of said product on the occasion of said incident.

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

46. Do you contend that the condition of the products sold was changed or altered in any way after said product left your possession, control, or custody and before Plaintiff/decedent's exposure occurred so as to affect your liability?

If so, then:

- a. Summarize the substance of your contention in this regard;
- b. Describe in detail what you contend was changed, altered or modified;
- c. State when said change, alteration, or modification occurred and where said product was when it occurred;
- d. State who caused or permitted any change, alteration or modification to occur;

- e. State the facts and evidence upon which this contention is based;
- f. State the name and address of the person who has in their custody any note, record, or other document or thing which would reflect or relate to any such change, alteration, or modification.

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answers to interrogatory Nos. 8(a) and 15.

- 47. Specify with particularity every precaution which you allege the Plaintiff/decedent or Plaintiff/decedent's employer could have and/or should have taken in order to reduce or eliminate the risk of injury or disease which Plaintiff/decedent allegedly suffered from.

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

- 48. Do you contend that the Plaintiff/decedent assumed the risk of Plaintiff/decedent's injury?

If so, state:

- a. Each and every fact which you allege supports that contention;

- b. The name and address of each and every witness whom you reserve the right to call as a witness to support that contention at the time of trial;

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

49. Do you contend that the Plaintiff/decedent was negligent and/or contributorily negligent?

If yes, then state:

- a. Each and every aspect of Plaintiff/decedent's conduct that was either negligent or contributorily negligent.
- b. The name of each person who has personal knowledge regarding the conduct of the Plaintiff which the Defendant contends was negligent or contributorily negligent.

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

50. Do you contend that the Plaintiff/decedent's injuries were caused by person(s) over whom the Defendant had no control or relationship?

If yes, then state:

- a. The identity of such person(s);
- b. How and in what manner such other person or persons caused or contributed to Plaintiff/decedent's injuries.

Objection. Insofar as this interrogatory seeks the disclosure by Borden of its contentions in this case, it seeks the disclosure of attorney work product and/or the mental impressions, conclusions, strategy, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this lawsuit, which are privileged and protected from discovery.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

51. Was the use, storage, or application of the product demonstrated by you to Plaintiff/decedent's employer?

If so, state:

- a. The dates on which such demonstrations took place and the places at which such demonstrations were held;
- b. The name and title of the representatives who so demonstrated;
- c. The person's name, address and position held with Plaintiff/decedent's employer for whom the use and operation was demonstrated;

Objection. This interrogatory is overly broad insofar as it is not limited to the period of time during which Borden allegedly sold the product to decedent's employer and is not limited to the period of decedent's alleged exposure. Further, this interrogatory is unduly vague and overly broad in that Borden can only guess as to the meaning of the phrase "use, storage, or application" of the product.

Without waiving said objections, see Borden's answer to interrogatory No. 8(a).

52. Have you or any representatives ever visited the work facility of Plaintiff/decedent's employer?

If yes, please state:

- a. The dates on which such visits took place;
- b. Name and title of the representatives;
- c. Subject matter of visit.

Objection. This interrogatory is overly broad in that it is not limited to representatives of Borden nor limited to the period of time during which Borden allegedly sold any product to decedent's employer nor to the period of decedent's alleged exposure. Further, since Borden employs and has employed many thousands of personnel over the time period described in plaintiff's Complaint, this question is burdensome and onerous and is not relevant to this cause of action and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving said objections, Borden has not identified any Borden employee or representatives who at the time of the decedent's alleged exposure to Borden's product visited the work facility of plaintiff's decedent's employer on behalf of Borden. See answers to interrogatory Nos. 8(a) and 15.

53. List each and every action taken by you or on your behalf to ensure that Plaintiff/decedent was advised as to the potential health hazards of your product.

Objection. Objections to interrogatories Nos. 17, 23 and 38 are incorporated herein. Further, there is no evidence that Borden supplied any product to plaintiff's decedent's employer, and no response is required hereto.

Without waiving said objections, see answer to interrogatory No. 8(a).

54. List each and every action taken by you prior to the filing of this lawsuit to determine if the Plaintiff/decedent's employer had advised Plaintiff/decedent of the potential health hazards of the product.

Objection. Objections to interrogatories Nos. 17, 23, 36 and 38 are incorporated herein.

Without waiving said objections, Borden had no information or knowledge as to any use by decedent of Borden's products and, therefore, could not have made such a determination. See answer to interrogatory No. 8(a).

55. List each and every action taken by you prior to the filing of this lawsuit to determine if the Plaintiff/decedent's employer had provided Plaintiff/decedent with a safe place in which to use, handle, and be exposed to your product.

Objection. Objections to interrogatories Nos. 17, 23, 36 and 38 are incorporated herein.

Without waiving said objection, Borden had no information or knowledge as to any use by decedent of Borden's products and, therefore, could not have made such a determination. See answer to interrogatory No. 8(a).

56. Have you provided any type of training for your dealers or distributors of your products?

If yes, then state:

- a. The type of training provided;
- b. The length of training provided;
- c. The place of training;
- d. The subject matter of training;
- e. Whether said training involved or included instruction regarding the safe use, storage and/or handling of Defendant's products;
- f. Whether said training involved instructions as to the proper safety devices which should be used with Defendant's products;
- g. Whether said training included the recognition of hazards and/or risks of injury or disease associated with the use of Defendant's products;
- h. The name of Defendant's employee(s) in charge of said training program(s).

Objection. This interrogatory, including subparts (a) through (h), is overly broad in that there is no allegation that plaintiff's decedent was exposed to any product of Borden supplied to decedent's employer by dealers or distributors of Borden's products and, in any event, absent an identification by plaintiffs of any such dealers or distributors, this interrogatory is unduly burdensome and would require Borden to make an unreasonable investigation. Further, this interrogatory is overly broad in that it is not limited to the period of the alleged sale to decedent's employer nor to the period of alleged exposure by decedent to Borden's products. Furthermore, this interrogatory is overly broad and seeks information which is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to training regarding the prevention or limitation of potential risks of the contraction of illnesses such as that allegedly incurred by decedent from exposure substantially similar to that experienced by decedent.

Without waiving said objections, see answers to interrogatory Nos. 8(a) and 15.

57. Did you provide any type of training to Plaintiff/decedent's employer on the product in question?

If yes, then state:

- a. The type of training provided;
- b. The length of training provided;
- c. The place of training;
- d. The subject matter of training;
- e. Whether said training involved or included information regarding the safe use, storage, and/or handling of Defendant's products;

- f. Whether said training involved instructions as to the proper safety devices which should be used with Defendant's products;
- g. Whether said training included the recognition of hazards and/or risks of injury associated with the use of Defendant's products;

Objections to interrogatories Nos. 55 and 56 are incorporated herein.

Without waiving said objections, see answers to interrogatory Nos. 8(a) and

15.

58. Have you conducted, or had conducted on your behalf, or do you plan to conduct, or have conducted on your behalf, any investigation for the purpose of this lawsuit; that is, either to provide direct evidence or for the purpose of providing information upon which other witnesses would testify?

If your Answer to this Interrogatory is in the affirmative, then state:

- a. The purpose of each such test, study, calculation, or inspection;
- b. The results of each test, study, calculation, or inspection;
- c. The name and address of the person who has in his custody or control any document or thing relating to any such test, study, calculation or inspection.
- d. State the names and addresses and relationship to you of each and every person who participated in each such investigation;
- e. State the dates on which or during which each and every such investigation took place;
- f. State the address (corresponding with the dates provided above) of the places or locations at which each such investigation took place;
- g. Describe fully and in detail each and every finding or observation made in the course of each and every such investigation.
- h. Summarize the recommendations, if any, of each and every such investigation.
- i. Describe and identify each and every document or writing, by whatever name called, which relates to or reflects the nature of or the conclusions of any such investigation (specifically including, but not limited to photographs and statements).

Objection. This interrogatory, including subparts (a) through (i), improperly seeks the discovery of attorney work product and/or discovery of the mental

impressions, conclusions, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this cause of action and/or materials prepared in anticipation of litigation or for trial by or for Borden or its representatives and hence such information is privileged and protected from discovery. Further, this interrogatory is improper, in seeking information as to what Borden plans to do but has not done, as premature and exceeding the scope of Borden's obligations under the Rules of Civil Procedure to supplement its discovery responses. Furthermore, this interrogatory is unduly vague and ambiguous and Borden can only guess as to the meaning of "investigation", "test", "study", "calculation", and "inspection".

Without waiving said objections, see answer to interrogatory No. 8(a).

59. State the name and present address of each and every person you know or have reason to believe might have knowledge of discoverable matter relevant to the issues (whether claims or defenses) presented in the present cause.

Objection. Borden objects to plaintiff's request for the identity of every person who "might have knowledge or discoverable matter relevant to the issues" insofar as said inquiry is overly broad and unduly vague and improperly seeks the disclosure of the mental impressions, conclusions, opinions or legal theories of Borden's attorneys or other representatives of Borden concerning this cause of action. Furthermore, this interrogatory is overly broad in that it fails to specifically set forth the particular "discoverable matter" to which information is sought by plaintiff and hence is unduly vague and ambiguous in that Borden can only guess as to the information sought by plaintiff.

Without waiving said objections, the identity of such persons is unknown to Borden at this time. Investigation and discovery into this cause of action are ongoing. See answer to interrogatory No. 8(a).

60. Do you have knowledge of, or the description of, any other person(s) who may possess knowledge or information related to any of the issues presented by the pleadings in the above styled cause in addition to or other than the names of the witnesses actually known to you and listed above?

If so, then:

- a. State the number of such other persons;
- b. Describe any identifying circumstances which give you cause to suspect there may be other as yet unidentified witnesses.

Objection. Objections to interrogatory No. 59 are incorporated herein.

Without waiving said objections, the identity of such persons is unknown to Borden at this time. Investigation and discovery into this cause of action are ongoing. See answer to interrogatory No. 8(a).

61. Has any person who may have facts or information relative to any of the issues, whether claims or defenses, in the present proceedings, given any statement, whether written or oral, whether now in your possession or not?

If so, then state:

- a. The names and addresses of each and every such person;
- b. Which of these persons gave statements that are not now in your possession or control;
- c. The name and address and relationship to you of the person or persons who have in their control or custody copies of any and all statements;
- d. The name, address, and relationship to you of any person who took any such statement, when it was taken, and where it was taken.
- e. The verbatim content of said statement.

Objection. Objections to interrogatory No. 59 are incorporated herein.

Further, this interrogatory is unduly vague and overly broad and Borden is unable to identify the persons whose identities are sought by plaintiff in that plaintiff fails to set forth the particular "facts or information" and the "issues" information which the persons whose identity plaintiff seeks purportedly possess, and thus Borden would be required to conduct an unreasonable investigation. Furthermore, Borden objects to

the production of any such statements of witnesses or the contents thereof to the extent to which such statements are outside the scope of permissible discovery of statements under the Rules of Civil Procedure. Borden also objects to this interrogatory to the extent that it seeks the disclosure of attorney work product or communications by or to Borden's counsel which are privileged and protected from discovery.

Without waiving said objections, no.

62. With regard to a document or other tangible thing which either in itself contains or constitutes evidence or which may relate to or lead to discoverable matter, please state:

- a. The description of each such item;
- b. Its present location;
- c. The name and address and relationship to this defendant of the person or persons who have custody of each such item.

Objection. Objections to interrogatory No. 59 are incorporated herein.

Further, this interrogatory is overly broad, unduly burdensome and onerous and improperly seeks the disclosure of privileged communications and/or the mental impressions, conclusions, opinions or legal theories of Borden's counsel or other representatives of Borden concerning this cause of action which are privileged and protected from discovery. Further, insofar as this interrogatory seeks the discovery of materials prepared in anticipation of litigation or for trial by or for Borden or its representatives, said information is privileged and protected from discovery.

Furthermore, this interrogatory is unduly vague and ambiguous and Borden is unable to determine what plaintiffs consider a document or thing which "constitutes evidence or which may relate to discoverable matter" or the subject matters of this request, therefore no response can be provided.

Without waiving said objections, see answer to interrogatory No. 8(a).

63. Do you or anyone acting on your behalf know of the existence of any photographs, motion pictures, video recordings, maps, diagrams or models of either the site of Plaintiff/decedent's exposure, the parties, Defendant's product, Defendant's product containers, or any other subject matter involved in this action?

If the Answer is in the affirmative, identify:

- a. The date or dates when such items were made and what they are;
- b. The name and address of the person making them;
- c. The subject that each represents or portrays;
- d. The name and address of the person who presently has custody of said items.

Objection. To the extent this interrogatory seeks the discovery of information comprising work product of counsel or information and materials prepared or acquired in anticipation or litigation or for trial by or for Borden or its representatives, said information is privileged and protected from discovery.

Further, this interrogatory is overly broad and unduly vague in that it seeks information and materials pertaining to the "site of the accident" whereas no accident is alleged in plaintiff's Complaint to have occurred. This interrogatory is further overly broad and seeks the discovery of information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the period in which Borden had alleged sales of the products to decedent's employer nor to the period of decedent's alleged exposure nor to the containers in which any product allegedly was delivered to decedent's employer during said time periods. Furthermore, this interrogatory is overly broad, unduly vague and ambiguous in that plaintiff has failed to describe with particularity the "other subject matter involved in this action".

Without waiving said objections, see answer to interrogatory No. 8(a).

64. For each and every witness you intend to call at trial, state:

- a. Name, age, business and home address;
- b. The subject(s) on which he/she is expected to testify;
- c. Summary of the fact(s) to which he/she will testify.

Objection. Borden objects to this interrogatory to the extent that it improperly seeks the disclosure of the mental impressions, conclusions, strategy, opinions and legal theories of Borden's counsel or other representatives of Borden concerning this cause of action which is privileged and protected from discovery.

Without waiving said objection, Borden's discovery and investigation of this cause of action are continuing and therefore witnesses to be called at trial have not been identified. This information will be supplied at a later time and Borden reserves the right to supplement its response.

65. Identify fully all documents intended to be offered at the trial for any use including, but not limited to medical and scientific text to be relied upon and business records of the Defendant.

Objection. Objections to interrogatory No. 64 are incorporated herein. This interrogatory also improperly seeks the discovery of information outside the scope of permissible expert discovery under the Rules of Civil Procedure.

Without waiving said objections, Borden's discovery and investigation of this cause of action are continuing and therefore the documents to be offered at trial have not been identified. This information will be supplied at a later time and Borden reserves the right to supplement its response.

66. Are you covered by any type of insurance for the injuries alleged in Plaintiff/decedent's Complaint, including any excess or umbrella insurance, in connection with the accident?

If the Answer is affirmative, state the following with respect to each policy:

- a. The name of the insurance carrier which issued each policy of insurance;
- b. The named insured under each policy and the policy number;
- c. The type of each policy and the effective date;
- d. The amount of coverage provided for injury or death to each person, for each occurrence, and in the aggregate for each policy;
- e. If the policy has an aggregate limit, list:
 - i. The aggregate for each policy;
 - ii. The number of claims, and the amount of money for each claim, which has been paid under the aggregate;
 - iii. The number of claims, and the amount of money reserved for each claim which has been made but not paid under the aggregate.
- f. Each exclusion, if any, in the policy which is applicable to any claim thereunder and the reasons why you or the company claims the exclusion is applicable.

Borden objects to this interrogatory as seeking the disclosure of proprietary information.

Without waiving said objection, Borden and its subsidiaries are self-insured. Over the years Borden has carried substantial self-insured retentions. Nevertheless, all appropriate excess carriers have been placed on notice.

67. State the name, address, occupation and field of specialization, if any, of each person whom you expect to call as an expert witness at trial.

Borden has not yet selected any expert witnesses for trial. When Borden has done so, it will provide the information required by the Pennsylvania Rules of Civil Procedure and reserves its right to supplement this response.

68. Set forth the qualifications of all those persons listed in Answer to the preceding Interrogatory, and in doing so as to each expert, list: Formal education; the schools attended, including years of attendance and degrees or certifications received; experience in particular fields, including names and addresses of employers with

inclusive years of employment and positions held; teaching positions or other affiliations; all professional societies, academies, associations, or other organized professional group of which said persons are a member, including when and where said persons were enrolled in each; and a list of all publications authored by said persons, including the title of the work, nature of the periodical or book in which it was printed, and the date of its printing. (In lieu of answering this Interrogatory, please attach a copy of each expert's curriculum vitae or resume.)

See response to interrogatory No. 67.

69. With respect to each person identified in your Answer to Interrogatory No. 66, state:
- a. The subject matter on which each expert is expected to testify;
 - b. The substance of the facts and opinions to which the expert is expected to testify;
 - c. A summary of the grounds for each opinion;
 - d. Any scientific rule or principle upon which the opinion of such expert is based;
 - e. Any code or regulation, governmental or otherwise, upon which the opinion of this expert is based, with specific identification of the section relied upon;
 - f. The identify of all tests, if any, performed by said expert, the results of said test, and any documents generated in connection with said test.

See response to interrogatory No. 67.

70. State in detail the factual information supplied to each expert which was used as a basis for forming his/her opinion(s), including all documents, reports or records furnished, all testimony, statements and reference material reviewed, all physical evidence, objects, test results, inspection reports, photographs, plans or other tangible things provided to each expert for review and inspection.

See response to interrogatory No. 67.

71. With respect to each person identified in your answer to Interrogatory No. 66, state whether the expert has examined any object in connection with the request that the expert give an opinion and, if so, state type, place, and date of each such examination.

See response to interrogatory No. 67.

72. As to all persons listed in Answer to Interrogatory No. 66, state the full caption, Court Term and Number of all cases in which that person has testified in the past five (5) years. If this information is unavailable, give the name of the cases involved and state the Court where each matter was tried, as well as the approximate date of trial.

See response to interrogatory No. 67.

73. Has any person by reason of training or experience, who might be considered an expert, whether or not hired by the Defendant, his attorneys, or other representatives, made any investigations to determine the cause of the occurrence, and if so, for each such person state:
- a. The full name, address and telephone number of such persons;
 - b. The business or profession of said persons;
 - c. The education, experience and other qualifications of said persons;
 - d. Name and address of the person or firm who hired him or her;
 - e. The date or dates on which said investigation was made and the conclusion reached by each such person;
 - f. The grounds for the conclusions reached by each such person;
 - g. The date of each oral or written report made by each such person;
 - h. Whether Defendant will produce a copy of each report without requiring an order to do so. If the Answer is in the affirmative, please attach copies to your Answers to these Interrogatories.

Objection. Borden objects to this interrogatory as unduly vague and overly broad and as improperly calling for Borden to guess as to the potential expert status of persons "who might be considered an expert." Furthermore, Borden objects to the extent that plaintiff seeks information beyond the scope of the Pennsylvania Rules of Civil Procedure, to the extent that plaintiff seeks the discovery of information and materials acquired, assembled or prepared in preparation for or in anticipation of litigation or for trial by or for Borden or its representatives, and to the extent that plaintiff seeks disclosure of the work product of Borden's counsel. Borden also

objects to the interrogatory to the extent it refers to "investigations to determine the cause of the occurrence" and incorporates its objection to interrogatory No. 58.

Without waiving said objections, see answer to interrogatory No. 8(a).

74. State the name and address of every person who has been retained, consulted or specially employed by you as an expert in anticipation of litigation or preparation for trial but who is not expected to be called as a witness at trial.

Objection. Borden objects to this interrogatory as seeking information beyond the scope of that required to be produced by the Pennsylvania Rules of Civil Procedure.

75. Each person listed in Answer to Interrogatory No. 2 will sign an Affidavit, and by doing so he verifies that the information found in his Answer to these Interrogatories is true and correct to the best of his knowledge, information and belief, that the opinions expressed in the Answers to these Interrogatories are those he will express at trial, and that he will express no others unless this Interrogatory is supplemented within a reasonable time before trial, to allow Plaintiffs to evaluate any such changes.

Objection. Borden objects to this interrogatory as beyond the scope of the Pennsylvania Rules of Civil Procedure.

RAWLE & HENDERSON

By: 

Victoria H. Roberts
Kathryn K. Deans
Attorneys for Defendants,
Borden, Inc.,
BCP Management, Inc. and
Borden Chemicals and Plastics

The Widener Building
One South Penn Square
Philadelphia, PA 19107
(215) 575-4200