

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

MARY ANN MONAGHAN, Executrix of	)	CIVIL DIVISION
the Estate of ROBERT MONAGHAN,	)	
Deceased, and MARY ANN MONAGHAN,	)	No. 93-02928
in her own right,	)	
	)	
Plaintiff,	)	RESPONSES OF DEFENDANTS
	)	ALLIEDSIGNAL INC., THE
vs.	)	B.F.GOODRICH COMPANY,
	)	ETHYL CORPORATION AND
ALLIED-SIGNAL, INC., successor-	)	SHELL OIL COMPANY TO
in-interest to ALLIED CORP. and	)	PLAINTIFF'S REQUEST FOR
ALLIED CHEMICAL CORP., et al.,	)	PRODUCTION OF DOCUMENTS
	)	
Defendants.	)	
	)	
	)	
	)	

**RESPONSES OF DEFENDANTS ALLIEDSIGNAL INC., THE B.F.GOODRICH
COMPANY, ETHYL CORPORATION AND SHELL OIL COMPANY
TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants AlliedSignal Inc., The B.F.Goodrich Company, Ethyl Corporation and Shell Oil Company (hereinafter, "Answering Defendants"), by and through their attorney, hereby respond to plaintiff's request for production of documents as follows:

GENERAL STATEMENT

In responding to plaintiff's request for production of documents, Answering Defendants have made substantial efforts in investigating the subject matter of plaintiff's requests and in attempting to locate documents responsive to said requests. However, Answering Defendants are large corporations with numerous departments, divisions and employees, the makeup of which has changed over the lengthy period of time for which documents are

sought by plaintiff. Furthermore, Answering Defendants have not completed their investigation and discovery and preparation for trial. Accordingly, Answering Defendants' responses are based upon information and documents reasonably available to them, their attorneys and specifically known and made available to the individuals who are preparing their responses. In the event additional documents become available to them which are responsive to plaintiff's requests, subject to their objections, Answering Defendants will supplement and/or amend their responses as required by the Pennsylvania Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Answering Defendants object to the "Definitions" and "Instructions" set forth by plaintiff and to any of plaintiff's requests to the extent that they seek to alter the obligations placed on Answering Defendants by the Pennsylvania Rules of Civil Procedure, applicable law, or the rules of court, including Answering Defendants' obligations to supplement or amend their responses.

2. To the extent plaintiff seeks responses by, on behalf of or applicable to any other person or entity other than the named defendants, including parents, predecessors, divisions, subsidiaries or affiliates, plaintiff's requests are overly broad, unduly burdensome, oppressive, irrelevant and are not reasonably calculated to lead to the discovery of admissible evidence. Responses will be provided for Answering Defendants only and will be based upon information known and reasonably available to Answering Defendants.

3. Answering Defendants object to any of plaintiff's requests to the extent that they seek privileged communications or attorney work product which is protected from disclosure.

4. Answering Defendants object to any requests to the extent that they seek confidential, proprietary, trade secret, financial or commercially sensitive business information.

5. Answering Defendants object to any requests to the extent that they seek information or documents already known to or possessed by plaintiff, or to the extent that they are related to or require the production or identification of documents, writings,

records, or publications in the public domain since such information is equally available to the plaintiff.

6. Answering Defendants object to any requests to the extent that they are overly broad, unduly burdensome, oppressive and/or seek information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. Answering Defendants object to any requests to the extent that they seek information or documents regarding products other than vinyl chloride monomer and/or medical conditions other than those alleged by plaintiff in her Complaint, i.e. other than glioblastoma multiforme.

8. Answering Defendants object to these requests to the extent that they seek information or documents beyond the plaintiff's decedent's alleged period of employment and/or beyond his alleged period of exposure to Answering Defendants' products. To the extent plaintiff's requests seek information relative to other periods of time, they are overly broad, burdensome, onerous, irrelevant, vexatious and not reasonably calculated to lead to the discovery of material and admissible evidence.

9. Until products of Answering Defendants have been reasonably shown to have been used by plaintiff's decedent, these requests are premature and seek information or documents which are irrelevant to the subject matter of this lawsuit and are not reasonably calculated to lead to the discovery of admissible evidence.

10. Answering Defendants object to these requests to the extent they seek to discover "all" information, documents, identification of individuals or entities, or other materials or information as overly broad, unduly burdensome, onerous, vexatious, unreasonably cumulative and duplicative, not susceptible to reasonable limitation and unduly vague and ambiguous.

11. Answering Defendants object to plaintiff's requests for expert discovery insofar as said requests exceed the scope of permissible discovery of experts as provided in the Pennsylvania Rules of Civil Procedure.

12. Answering Defendants object to any requests to the extent that they seek the disclosure of attorney work product and/or of the mental impressions, conclusions, strategy, opinions, legal research or legal theories of Answering Defendants' counsel or other representatives of Answering Defendants concerning this lawsuit which is privileged and protected from discovery.

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

1. See General Objections, particularly General Objections 3, 4, 6, 7, 8, 10 and 12. Without waiving their objections, and subject thereto, Answering Defendants will produce all discoverable documents. Furthermore, Answering Defendants' investigation is continuing.

2. See response to Request No. 1. Furthermore, this request is overly broad, unduly vague and ambiguous in that plaintiff fails to set forth with particularity the documents and things she requests and fails to identify to what she refers in seeking the production of statements concerning "its subject matter." Without waiving its objections, Answering Defendants are not aware of any written statements of any witnesses to decedent's alleged exposure.

3. See response to Request No. 1. Furthermore, this request is unduly vague and ambiguous and is improper insofar as plaintiff fails to set forth with particularity what materials she seeks in requesting documents concerning "other matter related to or involved in this matter and/or Plaintiff/decedent." Without waiving their objections, and subject thereto, Answering Defendants will produce all discoverable documents. Answering Defendants' investigation is continuing.

4. See response to Request No. 1. Furthermore, this request would improperly require Answering Defendants to prepare a written

summary where one does not presently exist and a response thereto would be unduly burdensome and onerous to Answering Defendants.

5. See General Objection 11. Without waiving their objection, Answering Defendants have not yet decided whom they may call as expert witnesses at trial. Answers to expert interrogatories or expert reports will be submitted in accordance with the Pennsylvania Rules of Civil Procedure.

6. See General Objections, particular General Objections 6, 7 and 8. Furthermore, this request is overly broad to the extent that it seeks discovery of materials prepared for the benefit of Answering Defendants' customers other than decedent's employer. Without waiving their objections and subject thereto, Answering Defendants will produce all discoverable documents. Answering Defendants' investigations are continuing.

7-8. See Response to Request No. 6.

9. See General Objections, particularly General Objections 3, 6, 7, 8 and 12. Furthermore, this request is overly broad and would require Answering Defendants to make an unreasonable investigation and is unduly onerous to Answering Defendants in that plaintiff's request is not limited to investigations, inspections or examinations relating to any risks of the contraction of the type of illness allegedly suffered by decedent from exposures to

Answering Defendants' products substantially similar to the exposures allegedly experienced by decedent.

10. See response to Request No. 9 and General Objection 2.

11. See response to Request No. 9. Furthermore, this request is unduly vague and ambiguous in that plaintiff fails to set forth with particularity what is meant by the term "change in the condition" of Answering Defendants' products.

12. See General Objections, particularly General Objections 3, 5, 6, 7, 8 and 12. Also, see Answering Defendants' responses to plaintiff's interrogatories referred to in this request. Without waiving their objections, and subject thereto, Answering Defendants will make available to plaintiff all unprivileged documents in their possession identified by Answering Defendants in their responses to plaintiff's interrogatories.

14. See response to Request No. 13 and responses to interrogatories 8(b) and 9. See also General Objections 6, 7 and 8. Answering Defendants further object to this request insofar as it seeks documents relative to sales and/or deliveries of Answering Defendants' products to any locations other than to decedent's employer's Pottstown facility. To the extent that Answering Defendants have responsive documents and the copying and production thereof appear to be unduly burdensome, such information as

plaintiff requests will be provided in cumulative summary form, subject to plaintiff's right to inspect the documents requested at a mutually convenient time and place.

15. See General Objections, particularly General Objections 6, 7 and 8. Furthermore, this request is overly broad to the extent that it seeks discovery of materials prepared for the benefit of Answering Defendants' customers other than decedent's employer. See also Answering Defendants' responses to plaintiff's interrogatories regarding recalls of Answering Defendants' products.

16-17. See responses to Request Nos. 6, 7 and 8. Without waiving their objections, and subject thereto, see Answering Defendants' responses to plaintiff's interrogatories regarding warnings issued for vinyl chloride monomer.

18. See General Objections, particularly General Objections 2, 3, 4, 6, 7 and 8. Furthermore, this request is vague and ambiguous as to the meaning of the terms "product safety committee or its functional equivalent" and "this type product."

19. See General Objections, particularly General Objections 2, 3, 4, 6, 7, 8, 10 and 12. This request is further objected to as vague and ambiguous as to the meaning of "this type product."

20. See General Objections, particularly General Objections 2, 5, 6, 7, 8 and 10. Furthermore, this request is unduly burdensome and onerous and would require Answering Defendants to make an unreasonable investigation. Also, see Answering Defendants' responses to plaintiff's interrogatories seeking information regarding other lawsuits.

21. See General Objections, particularly General Objections 3, 6, 7, 8 and 10. Answering Defendants further object to this request to the extent that it seeks the production of information or documents protected by the physician-patient privilege which Answering Defendants legally cannot waive.

22. See Answering Defendants' responses to plaintiff's interrogatories seeking information as to patents relating to vinyl chloride monomer. This request is further objected to in that it is vague and ambiguous as to the meaning of the term "this type product."

23. See responses to Request Nos. 6, 7, 8, 9, 10, 12, 18 and 19. This request is further objected to in that it is vague and ambiguous as to the meaning of the terms "protocols," "safety considerations," "design," and "this type product."

24. See responses to Request Nos. 6, 7, 9 and 10. Furthermore, this request is misleading in that it assumes that Answering

Defendants' products constitute a "hazard" to the contraction of the particular illness allegedly contracted by decedent as a result of continuing exposures of the type allegedly experienced by decedent. This request is further objected to insofar as said regulation was not in effect during any time period during which Answering Defendants had sales of vinyl chloride monomer to decedent's employer.

25. See General Objections, particularly General Objections 6, 7, 8 and 10. Without waiving their objections, and subject thereto, Answering Defendants will produce such documents as are reasonably available to them, limited as stated, and will make them available to plaintiff for inspection and copying. See also Answering Defendants' responses to plaintiff's interrogatories which seek information concerning material safety data sheets.

26. See responses to Request Nos. 6, 7, 8, 9, 10, 12, 16, 17, 18, 19, 24 and 25.

27. See General Objections, particularly General Objections 6, 7 and 8. See also Answering Defendants' responses to Request No. 26. Without waiving their objections, and subject thereto, Answering Defendants will make available to plaintiff all responsive unprivileged documents and any responsive confidential and proprietary documents upon the execution of an appropriate Confidentiality Agreement.

28. See General Objections, particularly General Objections 4, 6, 7, 8 and 10. See also Answering Defendants' responses to Request Nos. 6, 7, 8, 13, 14, 16 and 17. Furthermore, this request is vague and ambiguous as to the meaning of the term "this type product."

29. See Answering Defendants' responses to plaintiff's interrogatories. Without waiving their objections, and subject thereto, Answering Defendants will make available to plaintiff all responsive unprivileged documents identified by Answering Defendants in their answers to plaintiff's interrogatories and any responsive confidential and proprietary documents upon the execution of an appropriate Confidentiality Agreement.


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Shell Oil Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this date caused true and correct copies of the attached responses of defendants AlliedSignal Inc., The B.F. Goodrich Company, Ethyl Corporation and Shell Oil Company to plaintiff's request for production of documents to be served on all counsel of record by forwarding same first-class mail, postage prepaid, addressed as follows: (SEE ATTACHED SERVICE LIST)


RICHARD C. BIEDRZYCKI

Dated: March 14, 1994

ASI 000020883

SERVICE LIST

Monaghan v. Allied Chemical Corp., et al.

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