

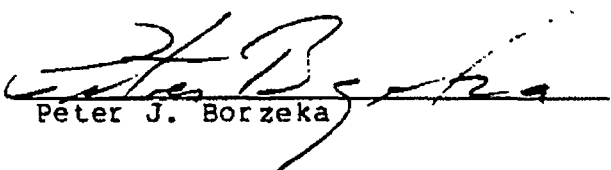
IN THE SEVENTH JUDICIAL DISTRICT OF IOWA

In Re: SEVENTH JUDICIAL DISTRICT) SAL-MFR-1
OF IOWA ASBESTOS LITIGATION)
(SAL)) DEFENDANT, HOBART BROTHERS
) COMPANY ANSWERS TO GALLIGAN &
) CONLIN MASTER INTERROGATORIES
) FOR ASBESTOS MANUFACTURERS

NOW COMES the Defendant, the HOBART BROTHERS COMPANY, and
hereby submits the following Answers to Interrogatories as
directed by the Plaintiffs.

CASSIDAY, SCHADE & GLOOR
333 West Wacker Drive
Suite 1200
Chicago, Illinois 60606
Phone: 312/641-3100

By:


Peter J. Borzeka

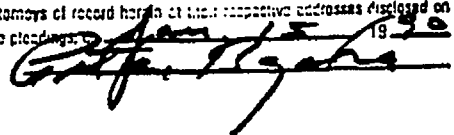
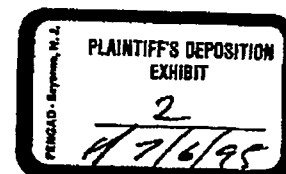
ATTORNEYS FOR DEFENDANT,
HOBART BROTHERS COMPANY

ORIGINAL TO:

Michael J. Galligan
Michael D. Maxwell
P.O. Box 93148
300 Walnut Street
Des Moines, Iowa 50393

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served
upon all parties to the above cause, by depositing a copy thereof in the
U.S. Mail, postage prepaid in envelopes addressed to each of the
attorneys of record herein at their respective addresses disclosed on
the pleadings.


19 90

1. Mildred P. Woryk
David F. Manning
Dennis Eibling
 2. Documentation will be identified in the answers to which they apply.
 3. Yes.
 - a. Hobart Brothers Company
 - b. Ohio
 - c. 600 West Main Street, Troy, Ohio 45373
 - d-g. Not applicable.
 4. Incorporated March 20, 1917.
 - a.-d. Not Applicable.
 5.
 - a. Hobart Brothers Company is the only corporate entity involved with products of covered electrodes to which this Defendant has any association. Subsidiary corporations were and are not involved in this product's manufacture.
 - b.-e. Not Applicable.
 6. Defendant has regularly conducted business in Iowa and Illinois for at least forty years.
 7. Yes.
 - a. Hobart Brothers Company.
 - b. Manufacture and sale of covered welding electrodes where asbestos was a component of the formulation.
 - c. 1939.
 - d. 1981. Safety concerns re Defendant's employees engaged in production.
 - e. USA and possibly other countries.
 8. No sale of raw asbestos fiber was ever contemplated or engaged in by this defendant.
 - a.-f. Not applicable.
 9. Hobart Brothers Company
101 Trade Square East
Troy, OH 48378
-

The above address is where filler metals were produced for the past 59 years.

10.

- a. See Exhibit A.
- b. Hobart or HB ahead of generic name, in most instances.
- c. Rods, electrodes, stick.
- d. Formulae have been produced subject to protective order. Attached is Exhibit B, showing the amount of asbestos in all products. All asbestos used was chrysotile.
- e. Welding up to 10,000° F.
- f. Boxes and cans of varied sizes.
- g. Not applicable.
- h. Welding.
- i. 8-16 inches long, gray, brown, pink. See Exhibit B for diameter.
- j. Hobart would have appeared on every package offered for sale by Defendant. Trade names, markings, and logos would vary depending on which time Plaintiff needs the information.
- k. Overbroad, calling for literally hundreds of names over many years; R. T. Lefever is currently our Vice President of Filler Metals Group, and has ultimate authority over products.
- l. Defendant objects to providing information on this except for that provided in Exhibit B. Burdensome, irrelevant, trade secret.
- m. Usually.
- n. See Exhibit A.
- o. See Exhibit A.
- p. Hobart Brothers Company.
- q. Our sales and distribution system is primarily through distribution. With respect to any direct sales of our asbestos containing products, as indicated in answers to Interrogatory No. 7, welding rods no longer contained asbestos in any form after March, 1981 and our records do not go back beyond 1981.
- r. See answer to Interrogatory No. 9.

11. To the best of Defendant's knowledge. Invoices, orders, purchase records, sales records, confirmations, and bills of lading and kept for three years, then discarded for filler metals products.

Annual or other periodic summaries of sales do not differentiate by products. Accounts payable and accounts receivable records for the period when asbestos-containing products were sold are no longer in existence.

a.-n. Not applicable.

12. See Exhibit C, which is Defendant's remaining historical and current evidence of distributors in Illinois and Iowa.

a. Hobart Brothers
600 W. Main Street
Troy, Ohio 45373

b. See answer to Interrogatory No. 11.

c. See answer to Interrogatory No. 11.

d. See answer to Interrogatory No. 11.

e. This defendant sold its products to distributors who in turn presumably sold to employers.

f. Mostly distributor sales.

g. Most were distributor sales, therefore, defendant has no knowledge.

h. See Exhibits A and B.

i. Most were distributor sales, therefore, defendant has no knowledge.

j. See Exhibits A and B.

k. Most were distributor sales, therefore, this defendant has no knowledge, other than the knowledge obtained at the deposition taken thus far, to which plaintiffs' counsel have appeared.

l. No.

m. This defendant has no knowledge.

n. This defendant has no knowledge other than what has been obtained at the depositions.

13. See Exhibits A and B.

14. Not to the best of defendant's knowledge.
a.-f. Not applicable.
15. See Exhibit C.
16. Not to the best of defendant's knowledge.
a-d. Not applicable.
17. Yes. Formulation data have been produced subject to protective order.
18. None of the asbestos containing welding rods were patented. Patents concerning the welding process and welding manufacturing process have previously been supplied to plaintiff.
a.-c. Not applicable.
19. To the best of defendant Hobart Brothers' corporate recollection, International Fiber Co. and Johns-Manville Asbestos were the only vendors involved from 1952 to 1981.
 - a. Unknown,
 - b. See above.
 - c. Chrysotile.
 - d. See Interrogatory No. 7.
 - e. Purchasing record.
20. No.
 - a-f. Not applicable.
21. No.
 - a-g. Not applicable.
22. No.
 - a-e. Not applicable.
23. No.
 - a-f. Not applicable.
24. Investigation for a substitute material was begun in 1979.
25. Defendant objects to this interrogatory as burdensome and requiring a compilation of 59 years of corporate history. While reserving all objections, Defendant states that R.T. Lefever has had the responsibility for manufacturing, operations, formulation, purchase, sales and safety for the

Hobart Brothers Filler Metals Division from January 17, 1977 to the present.

26. No.

a.-h. Not applicable.

27. No.

a.-e. Not applicable.

28. No record of any suggestions regarding welding rods and asbestos hazards is available to this Defendant.

a.-e. Not applicable

29. No

a.-h. Not applicable

30. Not applicable.

a.-g. Not applicable.

31. No

a.-e. Not applicable.

32. Yes.

a.-h. See attached Exhibit E.

33. No.

a.-h. Not applicable.

34. No.

a.-c. Not applicable.

35. Defendant has had general awareness of the professional literature regarding asbestos, however, has not conducted or financed any specific studies with respect to same.

a.-h. Not Applicable

36. No.

a.-d. Not applicable.

37. Not specifically. a. To its knowledge, none directed to it.

b.-e. Not applicable.

38. See answer to Interrogatory No. 37.
a.-c. Not applicable.
39. Objection as overly broad and unduly burdensome. Without waiving this objection, Defendant states that it has never found any articles relating to welding rods and asbestos hazards in anyone's possession.
40. Defendant objects to this Interrogatory as not relevant or calculated to lead to the production of relevant information. Plaintiff is not alleging an employment relationship with this Defendant.
41. No, see answer to Interrogatory No. 40.
42. No, see objection to Interrogatory No. 40.
a.-i. Not applicable.
43. No.
a.-i. Not applicable.
44. No.
a.-g. Not applicable.
45. No.
a.-e. Not applicable.
46. There was no health hazard presented from our asbestos containing products and, accordingly, no asbestos warnings appeared in sales brochures, etc.
a-d. Not applicable.
47. No. a.-d. Not applicable.
48. See Interrogatory No. 46.
a.-e. See Interrogatory No. 46.
49. See Answers to Interrogatory No. 46.
50. We did not specifically advertise asbestos containing products.
a.-e. Not applicable.
51. No.
a.-c. Not applicable.

52. There never existed any adverse health consequences insofar as the rods and asbestos were concerned. The usual ventilation techniques in welding continued to be employed along with all other existing work rules, safety rules and hygiene practices.

53. Yes. As to these claims which are still pending, see Exhibit F. Robert E. Paul, Reich & Meyers; Philadelphia, PA., is representing the claimant alleging cumulative exposure to asbestos.

54. No.

a.-e. Not applicable.

55. No.

a.-h. Not applicable.

56. No.

a.-f. Not applicable.

57. No. a.-e. Not applicable.

58. (1.-12.) No.

(13.) Yes. No division applicable to asbestos.

(14.-18.) - No.

a.-f. Not applicable.

59. Defendant objects to this request as burdensome, harassing, irrelevant, and not calculated to lead to the production of relevant information. There is no logical way Defendant can comply with this request regarding 70 years of operations and thousands of employees.

60. See Interrogatory No. 59.

61. See Interrogatory No. 59.

62. No.

a.-d. Not applicable

63. See Exhibit D.

64. See Exhibit D.

65. Yes.

Wallace Postallian
United States Fidelity & Guaranty Co.
Cincinnati Office
525 Vine St., 20th Floor
Cincinnati, OH 45202-3121

Mark A. Brak
Great American Surplus Lines Insurance Co.
P. O. Box 5370
Cincinnati, OH 45202

Dennis Joherl
American International Adjustment Co.
P. O. Box 31327
Independence, OH 44131

John Trayers
New England Reinsurance Corp.
P. O. Box 3263
80 Broad Street
Boston, MA 02101

John Trayers
First State Insurance Co.
P. O. Box 3263
80 Broad Street Boston, MA 02101

Deborah Clark
Johnson & Higgins of Ohio, Inc.
First National Bank Center, Suite 2160
425 Walnut Street
Cincinnati, OH 45202

Joan Oko
National Union Fire Insurance
50 South Clinton
Toxic Tort Claims
East Orange, NJ 07018

66. a. Yes.

b. N/A.

c. Yes.

67. No, A.-D. Not applicable.

68. No.

69. No.

a.-g. Not applicable.

70. Defendant objects to producing this information some of which is confidential, privileged, and revelation of which would impair this private company's market position by competitors gaining access to this information.
71. R. T. Lefever: His testimony will address the punitive damage claim against Hobart as well as the manufacturing and welding process; the welding rods which did and did not contain asbestos and the utility of welding.
72. No. a.-b. Not applicable.
73. No investigator has been hired.
a.-d. Not applicable.
74. Expert witnesses were disclosed in September of 1989 and in a Motion or Leave to Disclose Experts filed on December 27, 1989.
75. None.
76. No lay witnesses have testified in any asbestos-related suits. The experts this Defendant will call at trial depends on the Court's ruling on a Motion for Leave to Disclose Experts filed on December 27, 1989.
77. This interrogatory is governed by the Court's Settlement Conference Order.
78. No.
a.-c. Not applicable.
79. See Interrogatory No. 78.
80. Not applicable.
81. Various plaintiffs have testified to the misuse of its products, which acts of misuse are as follows: Bending of the welding rods, bending of welding rods for use as hangers, throwing unopened welding cans on the ground in order to open the cans, throwing used electrodes onto the ground instead of into containers provided for their collection, and dipping welding rods into water. Counsel for plaintiffs were present at each and every one of these depositions and are as able to pinpoint the testimony of these acts of misuse as is this defendant.
82. The statute of limitations defense will be supported by any or all of the following: testimony of plaintiffs and/or their spouses, testimony of physicians who have examined plaintiffs, and testimony of various physicians who plaintiffs have seen over the years.

83. Various plaintiffs have testified as to acts which constitute comparative fault or assumption of the risk, which acts are as follows: Bending of the welding rods, bending of welding rods for use as hangers, throwing unopened welding cans on the ground in order to open the cans, throwing used electrodes onto the ground instead of into containers provided for their collection, and dipping welding rods into water. Counsel for plaintiffs were present at each and every one of these depositions and are as able to pinpoint the testimony of these acts as is this defendant.

34. None.

85. See Interrogatory No. 50.

86. See Interrogatory No. 50.

MAL4L

EX. 5
A

**ASBESTOS-CONTAINING
FILLER METAL PRODUCTS**

<u>ELECTRODES</u>	<u>ORIGINATED</u>	<u>STATUS</u>	<u>LISTED LAST CATALOG</u>	<u>DELETE DATE</u>
10	1948	ASBESTOS OUT 3/13/80	1985	--
101P	1948	*LOP	1977	--
55	1944	*LOP	1950	--
885	1944	*LOP	1963	--
335	1944	*LOP	1963	--
335A	1948	ASBESTOS OUT 11/13/75	1975	--
12	1947	ASBESTOS OUT 11/26/79	1979	--
12A	1958	ASBESTOS OUT 3/6/80	1980	--
77	1944	*LOP	1952	--
83	1953	*LOP	--	BY 1960
447	1946	ASBESTOS OUT 1960	1960	--
111	1945	*LOP	1969	--
111HT	1945	*LOP	1955	--
384	1948	*LOP	1950	--
398	1945	*LOP	--	BY 1946
27	1955	ASBESTOS OUT 4/16/81	1981	--
**220	1955	*LOP	--	BY 1962
**220B	1961	*LOP	--	BY 1969
ROCKET GROOVE	1961	*LOP	1962	--
CAST IRON	1939	*LOP	1942	--

<u>ELECTRODES</u>	<u>ORIGINATED</u>	<u>STATUS</u>	<u>LISTED LAST</u> <u>CATALOG</u>	<u>DELETE</u> <u>DATE</u>
STRONG CAST	1944	*LOP	1970	--
710	1964	*LOP	--	BY 1965
611	1965	*LOP	1965	--
711	1964	*LOP	--	BY 1965

NOTES: *LOP = Life of Product

**220 and **220B - Made especially for Ford Motor Co., Detroit, MI. Distributed only to Ford, to the best of Defendant's knowledge and belief.

Revised 12/87

Asbestos in Hobart Brothers Company Products

The following is a listing of the 24 products offered by Hobart Brothers which contained asbestos. The percentage of asbestos to coating and the percentage of asbestos to the entire product is given.

Where available, the percentages for the largest amount and for the smallest amount are given. Amounts vary in the same product because the same product is offered in several sizes.

The percentage computed is not the actual formulation ratio; since much of the liquid silicate is dissipated in processing, the more accurate (and higher) percentage of asbestos in the final product was calculated.

<u>Product</u>	<u>Min./Max. Asbestos % in Finished Product</u>		<u>Percentage of Asbestos in Coating</u>
10	0.345	0.595	2.810
10IP	1.030	1.380	6.900
12	0.430	0.690	2.700
12A	0.520	0.611	2.600
27	0.252	0.296	0.520
55	1.800	2.530	16.400
77	0.782	1.200	4.600
83	0.430	0.702	2.700
111	5.320	6.980	10.900
111HT	5.250	5.830	10.500
220	1.260	1.440	9.000
220B	--	1.190	8.500
335	0.218	0.290	1.210
335A	1.890	2.960	11.400
384	5.600	6.200	1.000
398	0.490	0.603	0.980

<u>Product</u>	<u>Min./Max. Asbestos % in Finished Product</u>		<u>Percentage of Asbestos in Coating</u>
447	--	0.645	4.300
611	0.612	0.952	3.400
710	1.820	3.500	16.500
711	0.616	0.672	2.800
885	0.332	0.483	3.020
Cast Iron	1.370	2.280	11.400
Rocket Groove	0.950	1.230	1.900
Strong Cast	1.730	1.810	10.900

MPW
9/1/87

T-9575

Client Name: Lincoln Electric

ETC Job #: 8708708

ETC Sample #: T9575

Client Sample #: REDP-7434-B761

T-7434

Client Name: Lincoln Electric

ETC Job #: 8708708
ETC Sample #: T7434
Client Sample #: B761

ETC Count Sheet

Client name: Lincoln Electric
 ETC Job #: 8708708
 ETC Sample #: T9575
 Client Sample #: REDP-7434-B761

Volume: 3000.00 liters
 Microscope: 100 CX
 Magnification: 19000X
 Filter: 47 mm Cellulose-Ester
 EDS Disk 1310CH

* Fields: 10
 * Asbestos: 0
 * Nonasbestos: 1

Field	Fiber	Length	Width	Type	Morph	EDS	SAED	Photo	Comments
-------	-------	--------	-------	------	-------	-----	------	-------	----------

1				No Fibers					
2				No Fibers					
3				No Fibers					
4				No Fibers					
5				No Fibers					
6				No Fibers					
7				No Fibers					
8				No Fibers					
9				No Fibers					
10				No Fibers					

ETC Count Sheet

Client name: Lineman Electric
 TC Job #: 8708708
 TC Sample #: T7434
 Client Sample #: B761

Volume: 3000.00 liters
 Microscope: 100 CX
 Magnification: 10000X
 Filter: 47 mm Cellulose-Ester
 EDS Disk: 554 AED/KLA

Fields: 10
 Asbestos: 0
 Nonasbestos: 3

Field	Fiber	Length	Width	Type	Morph	EDS	SAED	Photo	Comments
				No Fibers					
				No Fibers					
1	1	1.00	0.15	Nonasbestos		94	NONE	7625	Micrograph also 7626
				No Fibers					
2	1	1.10	0.10	Nonasbestos		18	NONE	7627	
				No Fibers					
3	1	1.10	0.20	Nonasbestos		19	NONE	7628	
				No Fibers					
				No Fibers					
4				No Fibers					

Disk-600 after field 4

OCT 19 87

ETC Count Sheet

Client name: Lincoln Electric
 ETC Job #: 8708708
 ETC Sample #: 79576
 Client Sample #: REDP-7434-B761

Volume: 3000.00 liters
 Microscope: 100 CX
 Magnification: 19000X
 Filter: 47 mm Cellulose-Ester
 EDS Disk: RGT

Fields: 10
 # Asbestos: 0
 # Nonasbestos: 1

Field	Fiber	Length	Width	Type	Morph	EDS	SAED	Photo	Comments
-------	-------	--------	-------	------	-------	-----	------	-------	----------

1				No Fibers					
2				No Fibers					
3				No Fibers					
4				No Fibers					
5	1	0.30	0.05	Nonasbestos		NONE	NONE	9356	
6				No Fibers					
7				No Fibers					
8				No Fibers					
9				No Fibers					
10				No Fibers					

OCT 19 87



1/11

Mag. 16.400X

Figure 1 Micrograph showing loading of spherical particles

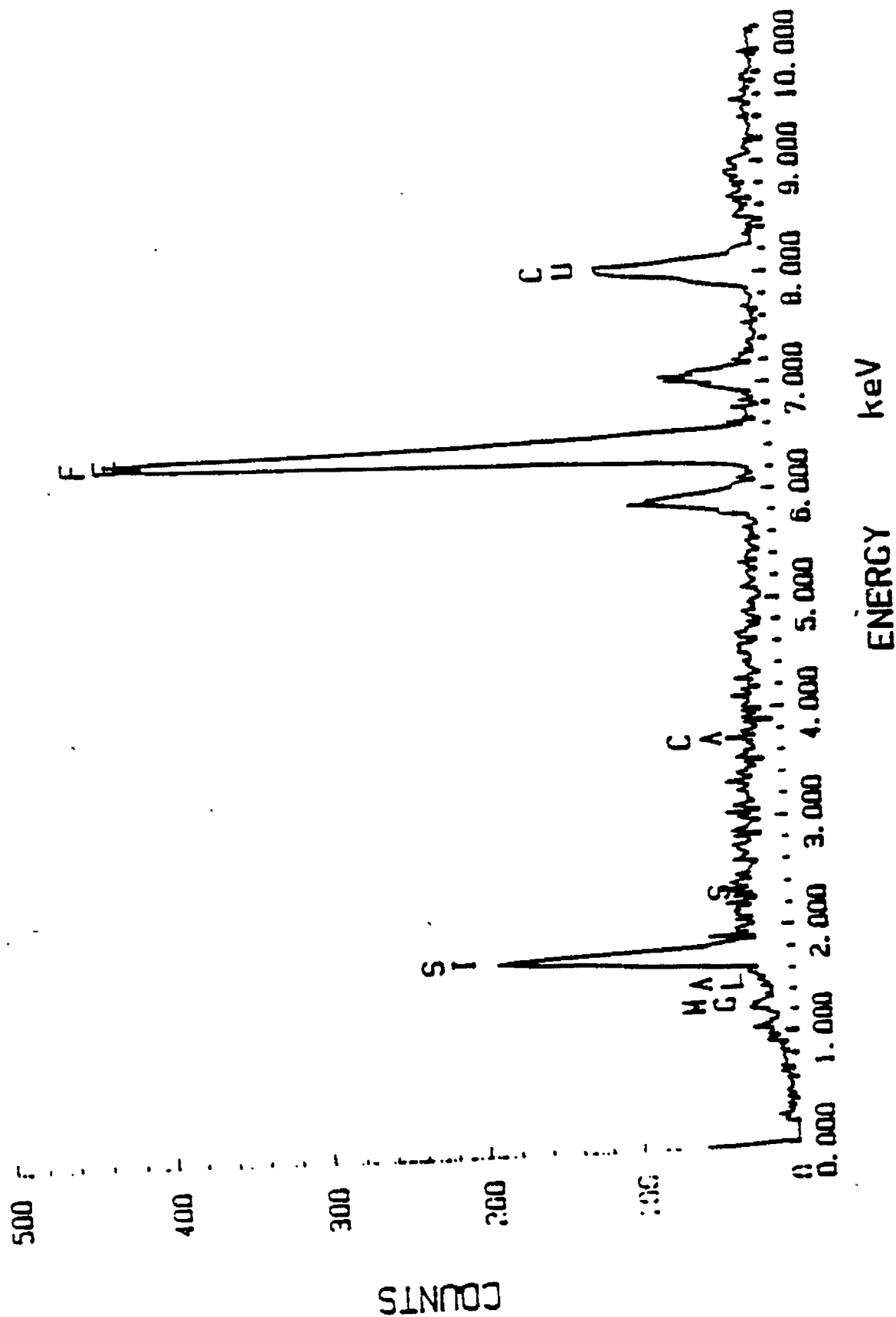


Figure 2 EDS showing elemental compos:
of typical spherical particle:

_____ /M

Mag. 16,400X

Figure 3 Micrograph showing fiber 1-1



Mag. 25,000X

Figure 4 Micrograph showing Fiber S-1