

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

|                                  |   |                         |
|----------------------------------|---|-------------------------|
| ANTHONY MARIO GRECO et al.,      | : | CASE NOS. 323629-323678 |
|                                  | : | (HANNA, J.)             |
| Plaintiffs,                      | : |                         |
|                                  | : |                         |
| VS.                              | : | IN RE: ALL BARON & BUDD |
|                                  | : | ASBESTOS CASES          |
| A-BEST PRODUCTS COMPANY, et al., | : |                         |
|                                  | : |                         |
| Defendants.                      | : |                         |

**ANSWERS OF DEFENDANT, CROWN CORK & SEAL COMPANY, INC., TO**  
**PLAINTIFFS' MASTER SET OF INTERROGATORIES**  
**PROPOUNDED TO**  
**CROWN CORK & SEAL COMPANY, INC.**

TO: CROWN CORK & SEAL COMPANY, INC., by and through its attorney of record,  
Robert L. Davis, Attorney at Law, 3600 Carew Tower, Cincinnati, OH 45202 and Robert  
G. Quandt, Quandt, Giffels, & Buck, 800 Leader Building, Cleveland, OH 44114-1460.

Defendant is hereby requested to answer under oath the interrogatories numbered 1 to 58,  
inclusive, as shown below, within sixty (60) days of the time service is made upon the  
Defendant, in accordance with Ohio Civil Rule 33.

**INSTRUCTIONS**

1. Answer each interrogatory separately and fully in writing under oath, unless it is  
objected to, in which event the reasons for objection must be stated in lieu of answer.
2. An evasive or incomplete answer is deemed to be a failure to answer under Ohio  
Civil Rule 37(A).

3. Each Defendant is under a continuing duty to seasonably supplement its response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert witness at trial and the subject matter on which he or she is expected to testify. Furthermore, each Defendant, pursuant to Rule 26(E) of the Ohio Rules, is under a similar duty to correct any incorrect response when the Defendant later learns that it is incorrect, including in such supplemental answer the date upon and manner in which such further or different information came to each Defendant's attention.

4. Unless otherwise specified, each of these interrogatories are meant to apply to the time period from 1920 until the present.

5. Should the Defendant assert a privilege with respect to any information, defendant is requested to provide the following as to each such document or item of information:

- (1) The type of document or information (e.g., letter, notebook, telephone conversation, etc.),
- (2) The date of the document or transaction involving the information;
- (3) Identification of the author and/or all participants with respect to the information;
- (4) Identification of the signatory or signatories of the document, if any;
- (5) Identification of the document's current custodian;
- (6) The present whereabouts of the document and/or the names of all persons with personal knowledge with respect to the information; and

(7) A statement of the grounds on which the claim of privilege rests with respect to each such document or piece of information withheld.

6. If your answer states that the Defendant is undertaking an investigation of the subject matter of the interrogatory, state when the investigation began, what steps comprise the investigation and what documents are being reviewed as part of the investigation.

7. The following terms are defined as follows for the purpose of these interrogatories:

### **DEFINITIONS**

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant separately answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates. This includes, but is not limited to, those known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products or that incorporated asbestos or asbestos-containing products at any work site. This definition includes present and former officers, directors, servants, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products. "Predecessors" further means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be

acquired by you whether by merger, consolidation, or otherwise known to have mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" further means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

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

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

4. The words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or

arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.

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

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

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

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

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

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

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

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

13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials, substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.

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

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

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

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

18. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health, including but not limited to, the safety of Defendant's workers and the safety of individuals using

products manufactured by the Defendant.

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

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

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

#### **CORPORATE NAME**

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

**ANSWER:** Richard L. Krzyzanowski, One Crown Way, Philadelphia, P.A. 19154-4599; Executive Vice President and Secretary; employed by Crown Cork & Seal since 1967.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

**ANSWER:** Documents attached in response to Request for Production of Documents.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

**ANSWER:** Yes.

- (a) Crown Cork & Seal Company, Inc.
- (b) Pennsylvania
- (c) One Crown Way, Philadelphia, PA. 19154-4599.
- (d) C.T. Corporation
- (e) -

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In

addition:

- a. if defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- b. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of in/corporation, and the name of Defendant at the time of acquisition;
- c. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- d. the date of each such acquisition;
- e. the state in which each such acquisition was effected;
- f. the state law governing each such acquisition if specified by contract;
- g. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- h. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

**ANSWER:** See Exhibit 1 attached;  
See Response to Request for Production No. 40.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such

- b. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- c. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name;
- d. the name, positions and a brief description of the responsibilities of the person or persons serving the answering defendant and the entity simultaneously including the positions held with the entity and with the answering defendant.

**ANSWER:** See Exhibit 1 attached.

**EVER SELL ASBESTOS**

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
  - 1. The trade or brand name.
  - 2. Its identification number (model, serial number, etc.).
  - 3. The time period it was manufactured, mined, marketed, distributed or sold.
  - 4. Its physical description including color, general composition, and

form.

5. A detailed description of its intended use and purpose.
  6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
  7. The percent of asbestos which it contained.
  8. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- (c) The time period during which each of these products were on the market;
  - (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
  - (e) How each of these asbestos-containing product can be distinguished from those of competitors;
  - (f) A description of the physical appearance of such product;
  - (g) A detailed description of the intended uses.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc. Unable to answer as to Mundet Cork.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;

- (b) The date same was issued;
- (c) The number of each patent application that is pending.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio and Illinois since 1940.

- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

**8.01 Has this defendant ever purchased asbestos containing products from any other defendant?**

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

**8.02 If the answer to the preceding Interrogatory is yes, please state the following:**

- (a) name each defendant from whom this defendant purchased any asbestos containing product;
- (b) list each product purchased from each co-defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-defendant.

**ANSWER:** Not applicable.

**8.03 Has this defendant ever sold asbestos containing products to any other defendant?**

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

**8.04** If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each defendant to whom this defendant sold any asbestos containing product;
- (b) list each product sold to each co-defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-defendant.

**ANSWER:** Not applicable.

**8.05** Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930. If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to

be used;

- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;

- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto. If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Please state which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A.

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed,

distributed, installed, and/or sold to each such company from 1950 to 1974.

- (e) Please identify all documents relating to the sales to each such company.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products. Unable to answer as to Mundet Cork.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products. Unable to answer as to Mundet Cork.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please

state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A, from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
  - (1) The dates of such contracts;
  - (2) The specific asbestos-containing products that were used ore removed in each contract.

**ANSWER:** See Exhibit 1 to answer to Interrogatory No. 3.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

**ANSWER:** See Exhibit 1 to answer to Interrogatory No. 3.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

**ANSWER:** Not applicable.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If

so, please state:

- (a) the same of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

**INFORMATION ABOUT DESIGN/TESTING**

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in

Interrogatory No. 5 could be applied by a worker without creating dust.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;

- (c) The results of such tests.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;

- (e) The names of all products removed from the market as a result of said tests.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

### INFORMATION ABOUT SAFETY

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the marketing, distributing, installation or sale of asbestos containing products; unable to answer as to Mundet Cork.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

**ANSWER:** Since Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products, it did not obtain such knowledge until after asbestos litigation began. Unable to answer as to Mundet Cork.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that

information, including a description of all tests conducted relative to the possibility of such a relationship.

**ANSWER:** Since Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products, it did not obtain such knowledge until after asbestos litigation began. Unknown as to Mundet Cork.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

**ANSWER:** None as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

**ANSWER:** None as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so,

please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

**ANSWER:** No as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

**ANSWER:** None as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

30.2 Has any engineer, industrial hygienist or physician in your employ been a member in any professional group, trade group or any of the following groups:

Asbestos Textile Institute  
National Insulation Manufacturers Association  
Thermal Insulation Manufacturers Association  
Quebec Asbestos Mining Association  
Asbestos Information Association  
Industrial Health Foundation  
Industrial Hygiene Foundation  
Iron and Steel Institute  
National Safety Counsel  
Refractories Institute  
Air Hygiene Foundation of America, Inc.  
Sprayed Mineral Fiber Association

If the answer is yes, state the following:

- (a) The name of the group or groups in which the individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years the individual(s) were members of the groups;
- (d) Whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

**ANSWER:** No as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

**ANSWER:** None as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

**ANSWER:** See answer to Interrogatory No. 31.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

**ANSWER:** Since Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products, it is unknown if Crown Cork & Seal Company, Inc. received such information; unknown as to Mundet Cork.

33.1 State whether this defendant at any time caused to be conducted on any job site, any air sampling, dust counts, tests or other activities to determine air quality or worker safety. If your answer is in the affirmative, please indicate:

(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.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

**ANSWER:** Crown Cork & Seal Company, Inc. does not maintain a library dealing with asbestos and asbestos-related diseases.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

**ANSWER:** Since Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products, it is unknown if Crow Cork & Seal Company, Inc. received such information; unable to answer as to Mundet Cork.

36.1 Did you ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

36.2 Did you ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unable to answer as to Mundet Cork.

37. Please state whether the Defendant at any time has been a member of any "trade

organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

**ANSWER:** See answer to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;

- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

**ANSWER:** See answer to Interrogatory No. 37.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

#### **WARNINGS/SALES PROMOTION**

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

**ANSWER:** See answer to Interrogatory No. 5.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;

- (d) The media used to disseminate the sales material.

**ANSWER:** See answer to Interrogatory No. 5.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A.

If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

**ANSWER:** See answer to Interrogatory No. 5.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

**ANSWER:** See answer to Interrogatory No. 8.2.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products. Unable to answer as to Mundet Cork.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to

Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

**ANSWER:** See answer to Interrogatory No. 5.

#### **KNOWLEDGE OF PREVIOUS INJURIES**

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

47.1 Please identify all documents concerning or in any way related to any decisions

made by you to cease manufacturing asbestos-containing products.

**ANSWER:** See answer to Interrogatory No. 4 and Exhibit 1.

47.2 Has any person or company from which you purchased asbestos containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

**ANSWER:** See answer to Interrogatory No. 4 and Exhibit 1.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

**ANSWER:** See answer to Interrogatory No. 4 and Exhibit 1.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial

insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

**ANSWER:** See answer to Interrogatory No. 4 and Exhibit 1.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

**ANSWER:** No, as to Crown Cork & Seal Company, Inc.; unknown as to Mundet Cork.

48.1 Describe the method by which you have maintained records concerning the manufacturer, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

**ANSWER:** Crown Cork & Seal Company, Inc. has not dealt in asbestos-containing products; unable to answer as to Mundet Cork.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

**ANSWER:** See answer to Interrogatory No. 48.1.

**48.3** For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

**ANSWER:** See answer to Interrogatory No. 48.1.

**48.4** For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

**ANSWER:** See answer to Interrogatory No. 48.1.

**PLAINTIFF/DECEDENT**

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

**ANSWER:** No.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

**ANSWER:** See answer to Interrogatory No. 5.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products.

## **RESPIRATORS**

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

**ANSWER:** See answer to Interrogatory No. 5.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;

- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

**ANSWER:** Crown Cork has not yet determined any expert witnesses it will call to testify at trial. This information will be provided when available.

54. Please state the name and last know address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

**ANSWER:** Crown Cork has not yet determined any expert witnesses it will call to testify at trial. This information will be provided when available.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

**ANSWER:** Defendant admits that it was served with a copy of the Complaint in these cases, but preserves the defenses set forth in its Answer.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

- (a) the facts upon which the answering defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

**ANSWER:** Crown Cork has not yet determined any witnesses it will call to testify at trial. This information will be provided when available.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

**ANSWER:** No policies.

56.1 Have you ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were plaintiff or defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

**ANSWER:** See response to Request for Production No. 49.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

**ANSWER:** See response to Request for Production No. 20.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

**ANSWER:** Crown Cork & Seal Company, Inc. has not engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos containing products. Unable to answer as to Mundet Cork.

EXHIBIT 1 TO ANSWERS TO INTERROGATORIES 3 & 4

In November of 1963, Crown Cork & Seal purchased some stock of Mundet Cork Corporation. Mundet Cork Corporation continued to exist and at that time had two divisions: a Cork Products Division and a Thermal Insulation Contract Division. This purchase by Crown Cork & Seal Company, Inc. was done for the purpose of acquiring Mundet Cork Corporation's Cork Products Division, which fit into Crown Cork & Seal's line of business. Crown Cork & Seal Company, Inc. had no interest in acquiring or in having anything to do with the Thermal Insulation Contract Division. Because of Crown Cork & Seal Company's having been sued as an alleged manufacturer or distributor of asbestos products in "asbestos litigation," I have caused a review of the files of Crown Cork & Seal Company, Inc. to be made to determine whether Crown Cork & Seal Company, Inc. has ever manufactured, sold, processed or distributed asbestos or asbestos-containing products. Crown Cork & Seal Company, Inc. has never manufactured, processed, sold or distributed asbestos or asbestos-containing products.

The Thermal Insulation Contract Division of Mundet Cork Corporation may have manufactured, processed, sold or distributed some asbestos products, but Crown Cork & Seal Company, inc. is not even sure that this is the case since Crown Cork & Seal Company, Inc. had no interest in that division. The Cork Products Division did not manufacture, process, sell or distribute any asbestos products.

Immediately after the acquisition by Crown Cork & Seal Company, Inc. of some stock of Mundet Cork Corporation, the latter company halted the operation of the Thermal Insulation Contract Division and began looking for a purchaser of that division. Less than three months later, on February 8, 1964, Mundet Cork Corporation sold the entire Thermal Insulation Contract Division to Baldwin-Ehret-Hill, Inc. Pursuant to that sale, Baldwin-Ehret-Hill, Inc. took over all of the equipment, inventory, contracts and all personal property, including all files and records of the Thermal Insulation Contract Division. As a consequence, Crown Cork & Seal Company, Inc. has no records or documents other than those listed concerning said acquisition and sale in response to request to produce No. 40.

Almost one and a half years later, in December of 1965, Mundet Cork Corporation, which at the time had only one division, i.e., Cork Products Division, ceased to exist and the assets of that division were transferred to Crown Cork & Seal Company, Inc.

PROOF OF SERVICE

I hereby certify that I have this date mailed a copy of the foregoing ANSWERS OF DEFENDANT, CROWN CORK & SEAL COMPANY, INC. TO PLAINTIFFS' MASTER SET OF INTERROGATORIES PROPOUNDED TO CROWN CORK AND SEAL COMPANY, INC. to Steven D. Wolens, Esq., Baron & Budd, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219; Bruce Carter, Esq., Baron & Budd, 43-B New Garver Road, Monroe, Ohio 45050, Attorneys for Plaintiffs; and notice of filing of these Answers was given to all other defendants and/or their counsel by copy of the Distribution List attached.

*Robert L. Davis*

ROBERT L. DAVIS (SCT #0014831)  
Counsel for Defendant, Crown  
Cork and Seal Company, Inc.

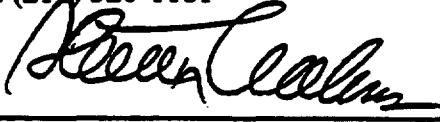
*7-28-97*

Date

dr

Respectfully submitted,

BARON & BUDD  
A PROFESSIONAL CORPORATION  
The Centrum  
Suite 1100  
3102 Oak Lawn Avenue  
Dallas, Texas 75219  
(214) 521-3605  
FAX: (214) 520-1181

By: 

STEVEN D. WOLENS  
Texas State Bar No.: 21847600

-AND-

BARON & BUDD  
A PROFESSIONAL CORPORATION  
43-B New Garver Road  
Monroe, Ohio 45050  
(513) 539-2912  
FAX: (513) 539-2907

By: 

BRUCE CARTER  
Ohio State Bar No.: 0059084

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Master Set of Interrogatories has been sent to each Defendant individually by and through their counsel of record on this the 12<sup>th</sup> day of June, 1997.



STEVEN D. WOLENS  
Attorney for Plaintiffs

**EXHIBIT A**  
**BARON & BUDD SITE LIST**

Anchor Hocking Glass, Lancaster, OH  
Anchor Hocking Glass, Plant One, Lancaster, OH  
Anchor Hocking Glass, Plant Two, Lancaster, OH  
Armco Steel, Ashland, KY  
Armco Steel, Hamilton, OH  
Armco Steel, Houston, TX  
Armco Steel, Middletown, OH  
Armco Steel, Muskingham County, OH  
Armco Steel, Washington Courthouse, OH  
Babcock & Wilcox, Canton, OH  
BlawKnox Corp., Wheeling, WV  
Buckeye Steel, Columbus, OH  
Cardinal PS/Brilliant PS/Tidd PS, Brilliant, OH  
Centre Foundry, Wheeling, WV  
Champion Paper, Hamilton, OH  
Contours, Inc., Orrville, OH  
Cooper Tire, Findley, OH  
Dayton Walther, Portsmouth, OH  
Harrison PS, Shinnston, WV  
Ideal Foundry, Newton Falls, OH  
Jones & Laughlin Steel, Youngstown, OH  
Jones & Laughlin Steel, Cleveland, OH  
LTV Steel, Cleveland, OH  
LTV Steel, Jennings Road, Cleveland, OH  
LTV Steel, East 45th Street, Cleveland, OH  
LTV Steel, Campbell Road, Cleveland, OH  
LTV Steel, West third Street, Cleveland, OH  
LTV Steel, Massillon, OH  
LTV Steel, Warren, OH  
LTV Steel, Youngstown, OH  
LTV Steel Briar Hill Works, Youngstown, OH  
LTV Steel Campbell Works, Youngstown, OH  
Lucans Steel, Massillon, OH  
Martin Marietta, Woodville, OH  
McComber Steel, Canton, OH  
Meade Paper, Chillicothe, OH  
Republic Engineered Steel Inc. (RESI), Canton, OH  
Republic Steel, Canton, OH

Republic Steel, Eighth Street Plant, Canton, OH  
Republic Steel, Plant A, Canton, OH  
Republic Steel, Plant B, Canton, OH  
Republic Steel, 3 Shop, Canton, OH  
Republic Steel, 4 Shop, Canton, OH  
Republic Steel, Berger Plant, Canton, OH  
Republic Steel, Culvert Division, Canton, OH  
Republic Steel, Stark Division, Canton, OH  
Republic Steel, Cleveland, OH  
Republic Steel, Massillon, OH  
Republic Steel, Union Drawn Steel, Massillon, OH  
Republic Steel, South Division, Massillon, OH  
Republic Steel, Warren, OH  
Republic Steel, Youngstown, OH  
The Timken Company, a.k.a. Timken Roller Bearing, Canton, OH  
The Timken Company, a.k.a. Timken Roller Bearing, Navarre Road SW, Canton, OH  
The Timken Company, a.k.a. Timken Roller Bearing, Dueber Avenue, Canton, OH  
U.S. Rubber, Clinton, OH  
U.S. Steel, Canton, OH  
U.S. Steel, Clairton, PA  
U.S. Steel, McDonald Works, Youngstown, OH  
U.S. Steel, Ohio Works, Youngstown, OH  
U.S. Steel, Homestead, PA  
Washington Steel, Massillon, OH  
Weirton Steel, Weirton, WV  
Wheeling-Pitt Steel, Allenport, PA  
Wheeling-Pitt Steel, Beechbottom, WV  
Wheeling-Pitt Steel, Benwood, WV  
Wheeling-Pitt Steel, Yorkville, OH  
Wheeling-Pitt Steel, Martins Ferry, OH  
Wheeling-Pitt Steel, South Plant (Mingo Junction)  
Wheeling-Pitt Steel, East Plant (Follansbee, WV)  
Wheeling-Pitt Steel, North Plant (Steubenville)  
Wheeling-Pitt Steel, Monessen, PA  
Youngstown Sheet & Tube, Youngstown, OH

CROWN CORK & SEAL COMPANY, INC.

BY: Richard L. Krzyzanowski  
Richard L. Krzyzanowski  
Its Vice President  
One Crown Way  
Philadelphia, PA 19154-4599

Dated: July 24, 1997.

STATE OF PENNSYLVANIA     )  
                                          ) SS:  
COUNTY OF PHILADELPHIA    )

Richard L. Krzyzanowski, being first duly sworn, deposes and says that he is Vice President of Crown Cork & Seal Company, Inc., that he has read the foregoing Answers of Defendant, Crown Cork & Seal Company, Inc., to Plaintiffs' Master Set of Interrogatories Propounded to Crown Cork & Seal Company, Inc. by him subscribed and knows the contents thereof, and that the foregoing is true to the best of his knowledge and belief.

Richard L. Krzyzanowski  
Richard L. Krzyzanowski

Subscribed and sworn to before me, a notary public, by Richard L. Krzyzanowski, this 24<sup>th</sup> day of July, 1997.

Rosemary M. Haselroth  
Notary Public, Philadelphia County,  
Pennsylvania

My commission expires: \_\_\_\_\_

