

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

**IN RE: ALL BARON & BUDD CASES
IN WHICH ALLEN REFRACTORIES,
INC. IS NAMED AS DEFENDANT**

Plaintiff

v.

**A-BEST PRODUCTS COMPANY, et
al.,**

Defendants

Asbestos Master Case No: 073958

JUDGE HARRY A. HANNA

**ALLEN REFRACTORIES, CO.'S
RESPONSES TO PLAINTIFF'S
MASTER SET OF
INTERROGATORIES
PROPOUNDED TO ALLEN
REFRACTORIES COMPANY**

Now comes Defendant, Allen Refractories, Company ("Allen"), and provides the following Responses to Plaintiff's Master Set of Interrogatories Propounded to Defendant, Allen. Allen provides these Answers as a separate documents, but asserts that the Answers are a response to each Interrogatory and its subpart as provided by Plaintiffs.

RESPONSES

1. ANSWER:

- * Margaret O. Shackelford, Executive Vice President - General Counsel for Allen Refractories Company- employed since 1970.
- * Ellen Shackelford, Allen Refractories Company- Office Manager- employed since 1987
- * James A. Shackelford, President and General Manager for Allen Refractories Company- employed since 1970.
- * Bob Marincic, Manager of Special Projects for Allen Refractories Company- employed since 1995.
- * John A. Fry, Vice President of Construction for Allen Refractories Company- employed since 1970.
- * James Gibson, Vice President of Sales- employed since 1972.

Address of employment: 131 Shackelford Road, Pataskala, Ohio 43062-9199

1.1 ANSWER:

None

2. ANSWER:

Yes

- (a) Allen Refractories Company, aka A.R.C., Inc.
- (b) Ohio
- (c) 131 Shackelford Rd., Pataskala, Ohio 43062-9199
- (d) James A. Shackelford, 131 Shackelford Rd., Pataskala, Ohio 43062-9199.
- (e) N/A

3. ANSWER:

Present Company was incorporated in February of 1970. Allen Refractories Co. of Cleveland was incorporated in the latter part of 1970 and was dissolved in 1973.

- a. None.
- b. N/A
- c. N/A
- d. N/A
- e. N/A
- f. N/A
- g. N/A
- h. N/A

4. ANSWER:

No

- a. N/A
- b. N/A
- c. N/A
- d. N/A
- e. N/A
- f. N/A
- g. N/A

4.1 ANSWER:

None

- a. N/A
- b. N/A
- c. N/A
- d. N/A

5. ANSWER:

Allen Refractories Company provides the professional service of installing refractory products. Allen Refractories Company has never mined or manufactured any commodity or product, asbestos-containing or otherwise, and has never knowingly sold, marketed, installed or distributed any asbestos-containing products.

- (a) See above.
- (b) N/A
- (c) N/A
- (d) N/A
- (e) N/A
- (f) N/A
- (g) N/A

6. ANSWER:

N/A (See Answer to Interrogatory 5.)

7. ANSWER:

N/A (See Answer to Interrogatory 5.)

8. ANSWER:

N/A (See Answer to Interrogatory 5.)

8.01 ANSWER:

This answering Defendant has no personal knowledge that this Defendant ever knowingly purchased any such products from any other Defendants.

8.02 ANSWER:

N/A (See Answer to Interrogatory 8.01)

8.03 ANSWER:

See Answer to Interrogatory 5.

8.04 ANSWER:

N/A (See Answer to Interrogatory 5.)

8.05 ANSWER:

This answering Defendant has no personal knowledge of any such products.

8.06 ANSWER:

See Answer to Interrogatory 5.

8.1 ANSWER:

See Answer to Interrogatory 5. N/A

8.2 ANSWER:

See Answer to Interrogatory 5.

8.3 ANSWER:

See Answer to Interrogatory 5. Additionally, this answering Defendant has no personal knowledge of any such businesses.

8.4 ANSWER:

See Answer to Interrogatory 5. N/A

9. ANSWER:

AT present, this answering Defendant has no knowledge of any such sales representatives calling on the job sites, as listed on Exhibit A, from 1945 to 1975. However, this answer is subject to on-going investigation. Additionally, see Answer to Interrogatory 5.

9.1 ANSWER:

In response to sales, see Answer to Interrogatory 5. In response to installation, John Fry served as a Construction Manager in the 1970s.

10. ANSWER:

No

11. ANSWER:

No

12. ANSWER:

N/A (See Answer to Interrogatory 5.)

13. ANSWER:

Allen Refractories Company never re-branded or caused or allowed any product to be re-branded with any name associated with Allen Refractories Company.

13.1 ANSWER:

Yes.

(a) Allen Refractories Company

(b)-(c) Subject to on-going investigation; see Response to Request for Production of Documents No. 52.

(d) See Answer to Interrogatory 5.

(e) See Answer to Interrogatory 5.

(f) Subject to on-going investigation; see Response to Request for Production of Documents No. 52.

13.2 ANSWER:

See Answer to Interrogatory 5. N/A

14. ANSWER:

N/A (See Answer to Interrogatory 5.)

15. ANSWER:

N/A (See Answer to Interrogatory 5.)

16. ANSWER:

N/A (See Answer to Interrogatory 5.)

17. ANSWER:

N/A (See Answer to Interrogatory 5.)

18. ANSWER:

N/A (See Answer to Interrogatory 5.)

18.1 ANSWER:

This Answering Defendant has no personal knowledge of any such tests.

19. ANSWER:

N/A (See Answer to Interrogatory 5.)

20. ANSWER:

N/A (See Answer to Interrogatory 18.)

21. ANSWER:

N/A (See Answer to Interrogatory 5.)

22. ANSWER:

N/A (See Answer to Interrogatory 5.)

23. ANSWER:

Allen Refractories Company provides the professional service of installing refractory products. Allen Refractories Company has never mined or manufactured any commodity or product, asbestos-containing or otherwise, and has never knowingly sold, marketed, installed or distributed any asbestos-containing products.. No studies or tests were conducted before Allen used any product in connection with providing the professional services of installing refractory products.

24. ANSWER:

This answering Defendant has no personal knowledge of any such tests.

25. ANSWER:

This Defendant first became aware of the asbestos as a possible cause of illness in the mid-1970s through the general public media.

26. ANSWER:

See Answer to Interrogatory 25.

27. ANSWER:

Allen Refractories Company never hired or employed any physician, industrial hygienist, or other employees for the purpose of engaging in the research, investigation or study concerning asbestos or asbestos-related diseases.

28. ANSWER:

N/A (See Answer to Interrogatory 25. and 27.)

29. ANSWER:

No (See Answer to Interrogatory 25. and 27.)

30. ANSWER:

This answering Defendant has no personal knowledge of any such periodicals.

30.1. ANSWER:

This answering Defendant has no personal knowledge of any such medical officer, industrial hygienist, medical consultant or physicians.

30.2 ANSWER:

No

31. ANSWER:

None

32. ANSWER:

See Answer to Interrogatory No. 31.

33. ANSWER:

This answering Defendant has no personal knowledge of any such advisement.

33.1 ANSWER:

See Answer No. 31.

34. ANSWER:

No

35. ANSWER:

No

36. ANSWER:

This answering Defendant has never been aware of any such reports.

36.1 ANSWER:

No

36.2 ANSWER:

No

37. ANSWER:

No

38. ANSWER:

N/A.

39. ANSWER:

Modern Castings

- (a) This answering Defendant has no personal knowledge of any such article.
- (b) N/A
- (c) N/A
- (d) N/A
- (e) N/A

40. ANSWER:

This answering Defendant has no personal knowledge of any such meetings, seminars, conferences, conventions or legislative hearings.

41. ANSWER:

N/A (See Answer to Interrogatory 5.)

42. ANSWER:

N/A (See Answer to Interrogatory 5.)

43. ANSWER:

N/A (See Answer to Interrogatory 5.)

44. ANSWER:

N/A See Answer to Interrogatory 9.

45. ANSWER:

Objection: This Interrogatory calls for an expert opinion/conclusion which this Defendant is not qualified to give.

46. ANSWER:

Allen Refractories Company did not put any warnings, instructions or recommendations of any kind on any of the products it used. All warnings, instructions and recommendations that were on any product, if any, were there when Allen received the products from the manufacturer. Allen does not have a specific recollection of warnings appearing on the boxes or wrappings. The manufacturers' records would most accurately reflect the exact and complete warnings and instructions placed upon their products or boxes in which the product was shipped.

47. ANSWER:

No

47.1 ANSWER:

No such documents exist.

47.2 ANSWER:

This answering Defendant has no personal knowledge of any such recall or action.

47.3 ANSWER:

Allen Refractories Company provides the professional service of installing refractory products. Allen Refractories Company has never mined or manufactured any commodity or product, asbestos-containing or otherwise, and has never knowingly sold, marketed, installed or distributed any asbestos-containing products.

47.4 ANSWER:

See Answer to Interrogatory No. 47.3.

48. ANSWER:

No

48.1 ANSWER:

See Answer to Interrogatory No. 5. Additionally, Allen Refractories Company has hard files of all contracts performed since 1970, none of which concern the use, sale, supply, distribution, delivery or installation of any known asbestos-containing products.

48.2 ANSWER:

No

48.3 ANSWER:

There exists no such index in any format.

48.4 ANSWER:

There exists no such index in any format.

49. ANSWER:

No

50. ANSWER:

N/A (See Answer to Interrogatory 5.)

51. ANSWER:

This answering Defendant has no personal knowledge of any such substance at this time.

52. ANSWER:

N/A (See Answer to Interrogatory 5.)

53. ANSWER:

Yes. Such expert names, addresses and other relevant information will be provided in a timely manner pursuant to the CMO covering these cases.

54. ANSWER:

See Answer to Interrogatory 53.

55. ANSWER:

Yes

55.1 ANSWER:

Objection. Allen Refractories Company objects to this Interrogatory because it is over-broad and over-burdensome. Notwithstanding this objection, Allen Refractories Company will provide the relevant documentation, names and other information at the time designated by the CMO covering these cases.

56. ANSWER:

See Response to Production of Documents No. 23.

56.1 ANSWER:

No

57. ANSWER:

See Answer to Interrogatory No. 1

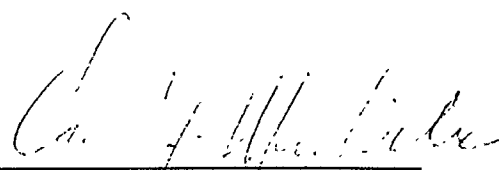
58. ANSWER:

This answering Defendant has no personal knowledge of any such date. (See Answer to Interrogatory 5., 25. and 47.4)

Respectfully submitted,

Of Counsel:

**GALLAGHER, SHARP, FULTON
& NORMAN**

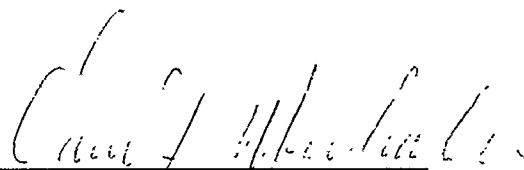

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CERTIFICATE OF SERVICE

A copy of the foregoing Responses of Defendant Allen Refractories Company was sent by regular U.S. mail, postage prepaid, to Counsel for Plaintiffs, Ladd R. Gibke, BARON & BUDD, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, this 23rd day of December, 2002, with a Notice of Service filed on CLAD, such filing constituting notice to all Counsel of Record.

Of Counsel:

**GALLAGHER, SHARP, FULTON
& NORMAN**


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December 23, 2002

Ladd R. Gibke, Esq.
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**Re: All Baron & Budd Cases in which Allen Refractories is a named defendant
Cuyahoga County Court of Common Pleas
Our Client: Allen Refractories, Co.
Our File No: 20045-900640**

Dear Mr. Gibke:

Enclosed please find Defendant Allen Refractories, Co.'s Responses to Plaintiffs' Interrogatories and Request for Production of Documents in the above captioned case. Please be advised that the Notice of Service of the same was conventionally filed with the court. The verification page be provide immediately upon receipt.

If you have any questions, please feel free to contact me.

Very truly yours,

Daniel J. Michalec

Daniel J. Michalec

DJM/jd

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