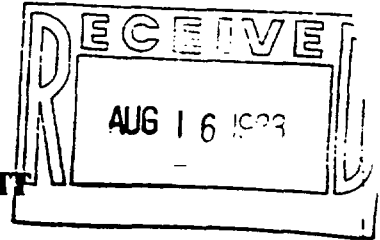


IN THE CIRCUIT COURT
FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS



IN RE: ASBESTOS LITIGATION) No. 86-L-1351 - 86-L-1677
CASES FILED BY BARON AND BUDD) 86-L-2704 - 86-L-2708
Plaintiffs) (Lead case: Greco)
vs.)
) No. 86-L-905
A.P. GREEN, ET AL.) (Lead case: Ahart)
Defendants)
) No. 86-L-836
) (Lead case: Abbott)

PLAINTIFF'S
EXHIBIT
CH-68

**DEFENDANT A.W. CHESTERTON'S ANSWER TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he is employed by Defendant.

A1. Chester Howe; Middlesex Industrial Park, Stoneham.

2. Please state whether or not Defendant is a corporation. If so, please state your correct corporate name, the state of your incorporation, and the address of your principal place of business.

A2. Yes. A.W. Chesterton Company, Massachusetts, Middlesex Industrial Park Stoneham, MA.

3. Please describe Defendant's corporate history, including any mergers, consolidations, asset purchases, acquisitions or spinoff.

A3. A.W. Chesterton Co. is a privately held corporation incorporated in 1907. A.W. Chesterton acquired advance packings of Chicago in the 1920's and dissolved the company in the late 1940's.

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 corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- a. The name of each such corporation or entity.
- b. Date of acquisition.
- c. The nature of the company as it relates to asbestos.

A4.

- a. A.W. Chesterton Co. is a privately held corporation incorporated in 1907.
- b. A. W. Chesterton acquired advance packings of Chicago in the 1920's and dissolved the company in the late 1940's.
- c. Advanced Packings was a gasket cutting company.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, 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, 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, chrysotile, tremolite, anthophyllite).
- C. The time period during which each of these products were on the market;
- D. A description of the physical composition of each product;

F. How each of these asbestos-containing product can be distinguished from those of competitors.

G. A description of the physical appearance of such product;

H A detailed description of the intended uses.

A5. a. A.W. Chesterton.

b. The Defendant objects to this Interrogatory in that it is overly broad, oppressive, burdensome and not reasonably calculated to lead to the discovery of admissible evidence, notwithstanding this objection and without waiving any rights. The Defendant produces a product brochures from 1955 and 1982 attached as exhibit "A".

6. Before placing Defendant's asbestos-containing products on the market, did Defendant make or cause to be made, any studies to determine whether your products would be hazardous to people? If so, please state the date of said studies, what studies were done, and the titles of each study.

A6. No.

7. Did any person prior to 1970, file a claim against any Worker's 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 and jurisdiction involved;

b. A brief summary of the disposition of each such claim.

A7. No.

8. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed above 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.

A8. The Defendant objects to this Interrogatory in that it is overly broad, oppressive, and burdensome and not reasonably calculated to lead to the discovery of admissible evidence not with standing this objection and without waiving any rights thereto the states that it received some

patent on products it manufactured. the Defendant is currently conducting a search for the supporting documents and will supplement this Interrogatory upon completion of this search.

9. 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.

A9. No.

10. Have Defendant's asbestos containing products ever been marketed, distributed, and/or sold by any other company or business? If so, please state the following:

- a. The name and address of each such company who may have distributed these products to location listed on Exhibit 1;
- b. The name and address of Defendant's distributors in Missouri since 1920.
- c. The name and address of Defendant's distributors in Illinois since 1920.
- d. The date of each sale.
- e. The name of the person in each company with whom you primarily dealt.
- f. A list of all asbestos containing products that you sold to that location during this period of time.
- g. The amount of each asbestos product sold to that location during this period of time.
- h. Please identify all documents relating to this distributor for the particular location.

A10. Yes. See exhibit F. attached hereto.

11. Did Defendant or any of Defendant's distributors, as listed in Interrogatory No. 10 have sales representatives who specifically called on those facilities listed in Exhibit 1 from 1945 to 1975? If your response is yes, as to each facility, 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 at this location;
- d. Whether that person is still alive.

A11. The Defendant objects to this Interrogatory as it is overly broad, oppressive and burdensome, notwithstanding this objection and without warning any rights thereto. The Defendant states that it is not aware of the identity of the end user of its product.

12. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos containing insulation? 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.

A12. No.

13. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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.

A 13. No.

14. 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.

A14. Melrose Massachusetts 1920-1962
Woburn Massachusetts 1962 to date
Everett Massachusetts 1940 to 1970

15. Has Defendant, at any time, entered in to a "rebranding" agreement with any other company, either as a buyer or a seller, concerning asbestos insulation or refractory 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 dollar amount) or each such transaction;

d. The purchaser of such products.

e. Does Defendant currently have in its possession any of the writings or contract concerning such rebranding agreement?

A15. No.

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

A16. Richard Hoyle, engineer.

17. 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.

A17. The Defendant objects to his Interrogatory as it is overly broad oppressive, burdensome and not reasonably calculated to lead to the discovery of admissible evidence notwithstanding this objection and without waiving any rights thereto the Defendant states that the packing material was placed in stuffing boxes of valves without modification of the product. This is also true of gaskets being placed on a pipe flange.

18. Based upon the material contents of your 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.

A18. All of the Defendant's products.

19. Do any written memoranda, specifications, blueprints or other written materials of any kind or character now exist relation 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.

19A. Manufacturing specifications of the Defendants products have been developed and will be produced.

20. Prior to releasing the products listed in Interrogatory No. 5 to the public for sale, were any tests (animal or human test) conducted on same to determine potential health hazards involved in the use of material contained therein? If so, please state:

- a. The name, address, and job classification of each individual who conducted such tests;
- b. The results of such tests.

A20. No.

21. Does Defendant have or control any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the testing of said products? If so, please;

- a. List 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.

A21. Yes. After approximately 1975, there are performance tests in a search for written evidence is being conducted. See also exhibit B & C.

22. Were any design changes made as a result of such tests? If so, please state:

- a. The nature of the change made;
- b. The name, address, and job classification of each person in charge of making a change.

A22. No.

23. After releasing the products listed in answer to Interrogatory No. 5 to the public, did Defendant conduct any tests (list animal and human tests) conducted thereon to determine potential health hazards involved in the

use of materials contained therein. If so, please state:

- a. The name, address, and job classification of each person and/or agency conducting said tests;
- b. The results of said tests.
- c. The date of said tests.

A23. No.

24. Has Defendant ever conducted any studies concerning the effects of the inhalation of asbestos dust or fibers on one using or being exposed to any of the asbestos material manufactured, sold or distributed by you or your predecessor? If yes, please give dates and nature of such studies, names and addresses of persons conducting such studies, the purpose of such studies, and attach a copy of reports based upon such studies, and list to whom such reports were given and the date.

A24. No.

25. Please state whether or not Defendant ever conducted any tests in the field (where asbestos-containing products were applied, removed or used) to determine the nature and extent of asbestos fiber exposure to insulators, applicators, or fellow employees 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.

A25. No. Tests were performed under simulated field conditions. See Exhibit B & C.

26. 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 hazard and from what source this information was

obtained.

A26. a. 1972

b. At a meeting of the Fluid Seal Association a speech was given on the proposed OSHA Regulations.

27. Please state when Defendant first acquired knowledge concerning the association between inhalation of asbestos fibers and the contraction of cancer including, but not limited to, mesothelioma and state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

A27. The Defendant objects to this Interrogatory in that it seeks an expert medical opinion which the Defendant is not qualified to give.

28. Please state when Defendant first acquired knowledge concerning the association between the inhalation of asbestos fibers and contraction of lung disease known as asbestosis and state the source of that information including a description of all tests conducted relative to the possibility of such a relationship.

A28. The defendant objects to this Interrogatory in that it seeks an expert medical opinion which the Defendant is not qualified to give.

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

A29. Chesterton hired an industrial hygienist in 1985-1986, Larry Maglin.

30. 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.

A30. None.

31. 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 hazard to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom and to who such recommendations and/or suggestions were made and the substance of each recommendation.

A31. The Defendant consulted with an industrial hygienist from 1973 to 1985 in monitoring the air at its manufacturing facilities. See Exhibit C.

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

A32. None.

33. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values or asbestos dust or particles to which applicators or consumers of your product were exposed while using your asbestos containing products.

A33. See Exhibit B.

34. For each test described in Interrogatory No. 33, please give the name of the person conducting the test, the date of the test, and attach true copies of any reports, finding or memoranda concerning such tests or studies.

A34. See Exhibit B.

35. 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.

A35. The Defendant was not advised by the ACGIH of threshold limit values. It first learned of OSHA Regulations in 1972.

36. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering? 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.

A36. No.

37. 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.

A 37. No.

38. Does Defendant admit that a report of some of the studies of Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" was published by A. J. Lanza, assistant medical director and J. published in the Public Health Report, Vol. 50, no. 1, dated January 4, 1935?

A38. The Defendant objects to this Interrogatory as it is vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

39. When was Defendant first aware of the above mentioned Lanza report?

A39. Not applicable.

40. Please state whether the Defendant at any time have been members of any "trade organization" or "trade association" composed of other manufacturers, miner, distributors and/or sellers of asbestos 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.

A40. Fluid Seal Association formerly known as Mechanical Packing Association.

41. With respect to each trade organization or association listed in answer to Interrogatory No. 40 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.

A41. Not applicable.

42. 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 hazardous potential 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. Products documentation which refers, alludes or mentions articles which were withheld for publication. (See Request for Production #18).

A 42. No.

43. 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 speaker or participants.

A43. Fluid seal association meeting in 1972 OSHA Regulations for asbestos containing products were dismissed..

44. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any brochures, pamphlets, packagings or other written materials or any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the product on a person. If so,

please state as to each product.

- a. The wording of each such warning;
- b. A description of each such printed material;
- c. The method used to distributed the warning to persons who are likely to use the products;
- d. The date each such warning was issued;
- e. Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- f. Please attach a copy of the warning and date said warning was issued;
- g. the name, address, and job classification of each person who presently has possession of the above-described documents;
- h. The name of 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.

A44. Since 1972 asbestos rope and wick purchased containing a warning. These products were resold in their original packages with the warnings included. A sample of the warning label is attached as exhibit "D". Labels were placed on all asbestos product of A.W. Chesterton in approximately 1985.

45. 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.

A45.

- a. Robert Robotham
- b. Middlesex Industrial Park, Stoneham
- c. From 1949 to present.
- d. Trade publication and catalogues.

46. 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 consumer. 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.

A46. See attached exhibit A product brochure.

47. Was any written material of any kind prepared by Defendant and distributed to those entities listed in response to Interrogatory No. 11? If so, please state the following:

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

A47. Not applicable.

48. Does Defendant contend that asbestos containing products can be manufactured so as to eliminate all potential health hazards to workers installing 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.

A48. The Defendant objects to this Interrogatory as it is vague, ambiguous, and not capable of being answered in its present form.

49. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured and/or sold 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;

A49. No.

50. Has Defendant obtained statements from any witnesses including the Plaintiff? 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.

A50. No.

51. As to each Plaintiff, do you contend that any Plaintiff improperly used your products? If so, please set out in detail as to each Plaintiff in what respect the product was improperly used.

A51. The Defendant is not aware of the exact facts and circumstances in which the Plaintiff used the products of this Defendant, or whether or not the Plaintiff used this Defendant's product.

52. As to each facility listed on Exhibit 1, and as to each Plaintiff, please state whether Defendant contends that there was any substance other than asbestos, including but not limited to, those items listed in Interrogatory No. 51 or Interrogatory No. 52 of Defendant's Master Set of Interrogatories to Plaintiff, which contributed or caused Plaintiff'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.

A52. The Plaintiff objects to this Interrogatory as it is vague, ambiguous, overly broad, burdensome, and unable to be answered in its present form. In further answer of this Interrogatory, the Defendant states that all the facts and conditions of the Plaintiff's alleged use of asbestos containing

products have not been established and reserves the right to supplement this Interrogatory.

53. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in the products listed in answer to Interrogatory 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. Produce all documentation which mentions, alludes or refers to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

A53. The Defendant objects to this Interrogatory as it seeks expert engineering and medical opinions which the Defendant is not qualified to give.

54. 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.

A54. Yes, the final determination of the expert the Defendant expects to testify at the time of trial has not been made and will seasonably supplement this Interrogatory.

55. For each expert witness who has testified for Defendant in other asbestos cases (both by deposition and trial testimony), please state:

- a. The person's name and last known address;
- b. The style of the case, its case number, and its jurisdiction;

c. Whether that person was an employee of Defendant at the time and whether that person remains an employee.

A55.

- a. Lee Reichman Secaucus, N.J.
- b. George Loznickaa, et al vs. Raymark Industries, et al
C.A. 84-1906CA
- c. No

56. Please identify 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.

- a. Please identify each document which will be offered into evidence by the expert witness

A56. None.

57. Does Defendant admit that service of process was properly had on you in this case? If not, please state why.

A57. Objection. The status of service speaks for itself in the file.

58. Does Defendant have policies of insurance that might cover the claims that have been made by plaintiff 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.

A58. Yes. See exhibit E.

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

A59. The Defendant objects to this Interrogatory as it calls for attorney work product and privileged communications between the client and its attorneys.

STATE OF MASSACHUSETTS) SS: VERIFICATION
)
COUNTY OF MIDDLESEX)

Now comes Chester Howe and deposes and says that he is a
representative of defendant A. W. Chesterton Co. in the foregoing
action; that he has read the foregoing Response to Plaintiffs'
Interrogatories and that the same are true.

Chester M. Howe
CHESTER M. HOWE.

SWORN TO BEFORE ME and subscribed in my presence this 2nd day
of August, 1988.

Donna L. McTigue
Notary public

My commission expires August 7, 1992