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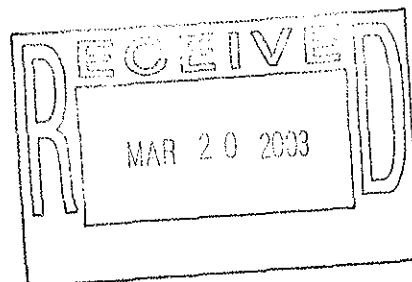
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REPLY TO EDWARDSVILLE OFFICE

March 18, 2003

Christopher Thoron
O'Brien Law Firm, L.L.C.
906 Olive Street, Suite 1150
St. Louis, MO 63101



Re: James Martino v. Marathon Oil Company, et. al.

Dear Chris:

As discussed, enclosed is a copy of Answers to Interrogatories filed by Marathon Oil Co. in the Wallace E. Derby case, which was filed in Madison County, IL in 2001. Though these questions are slightly different than those contained in your interrogatories filed in this case, it is my understanding that you are willing to accept as Marathon Oil's responses to your discovery, the responses contained in the enclosed interrogatories. If that is not correct, please let me know right away so that I may inform my client.

Regarding production of documents, as discussed, my client will make available for your review, documents which are responsive to your requests at its facility in Robinson, IL at a time and date that is mutually agreeable. Please let me know when you are available to review those documents and I will make the appropriate arrangements.

Thank you for your cooperation in this case to date. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads 'Anne B. Schmidt'.

Anne B. Schmidt

ABS/clh
Enclosure

and is, therefore, difficult or impossible to reconstruct or retrieve. Furthermore, given the vast scope and depth of information requested by these Interrogatories and the limited time in which to answer, Marathon gives its answers with the understanding that the investigation continues. Marathon, therefore, reserves the right to amend this statement as and if new or better information becomes available to it or if errors are discovered.

Finally, as a general objection, Marathon objects to providing any information which is subject to the attorney-client privilege, which constitutes attorney work product, which is proprietary, which is outside Marathon's possession or control, or which is otherwise not discoverable under the provisions of the Illinois Rules of Trial Procedure.

INTERROGATORIES

INTERROGATORY NO. 1: Identify the person answering these Interrogatories on behalf of Defendant, including their address and job title.

ANSWER:

Richard Gies, c/o Leslie Loftis, Marathon Oil Company, P.O. Box 4813, Houston, Texas 77210.

Mr. Gies' title is Manager of Industrial Hygiene.

Nancy Purcell, c/o Leslie Loftis, Marathon Oil Company, P.O. Box 4813, Houston, Texas

77210. Ms. Purcell's title is Coordinator-Law-Corporate Services.

INTERROGATORY NO. 2: Has the person answering these Interrogatories made reasonable inquiry of all available sources of information such that Plaintiff may rely upon these answers as the truthful and complete answers made on behalf of Defendant? List any and all such sources of information relied upon.

ANSWER:

Yes. Based upon the extensive number of questions and the wide scope of the discovery request, Mr. Gies and Ms. Purcell are relying upon the work of many individuals at Marathon to respond to these interrogatories. Those individuals have relied upon written documentation and computerized data to respond to these discovery requests. Some of the people that have been consulted regarding these responses are:

Craig Parker, c/o Leslie Loftis, Marathon Oil Company, P. O. Box 4813, Houston, Texas 77210.

Mr. Parker's title is Manager of Toxicologist and Product Safety.

Richard Bedell, c/o Leslie Loftis, Marathon Oil Company, P.O. Box 4813, Houston, Texas 77210. Mr. Bedell's title is Refinery Manager at the Robinson, Illinois refinery.

Von Meeks, c/o Leslie Loftis, Marathon Oil Company, P.O. Box 4813, Houston, Texas 77210.

Mr. Meek's title is Supervisor, Safety at the Robinson, Illinois Refinery.

Kevin Walker, c/o Leslie Loftis, Marathon Oil Company, P.O. Box 4813, Houston, Texas 77210.

Mr. Walker's title is Specialist – Risk Management.

INTERROGATORY NO. 3: State the following concerning this Defendant:

- (a) Full and correct name;
- (b) The form in which Defendant presently conducts business (i.e. corporation, partnership, proprietorship, etc.);
- (c) Identify any and all predecessors and related companies as defined above;
- (d) Any and all other forms in which defendant has conducted business at any time, and the date(s) when business was conducted in each form;
- (e) Any and all names by which Defendant has been known or has conducted business, at any time, and the date(s) during which Defendant has been known by and/or conducted business, under each such name;
- (f) Defendant's principal place of business;

- (g) Defendant's present state of incorporation or state in which Defendant is registered as a partnership, association, etc., whichever is applicable; if Defendant has, at any time, been incorporated or registered in a different state, identify which state and when;
- (h) Most recent date of incorporation or reincorporation, and any and all prior date(s) of incorporation or reincorporation;
- (i) Whether this Defendant is authorized to transact business in the State of Illinois and, if so, the date such authority was first issued and last renewed;
- (j) If this Defendant has an agent, representative or place of business in Illinois, identify such agent, representative, or place of business; and,
- (k) If this Defendant has an agent for service in the State of Illinois, identify the registered agent.

ANSWER:

(a) Marathon Oil Company

(b) Corporation

(c) The original The Ohio Oil Company was incorporated on August 1, 1887. The Ohio Oil Company acquired Lincoln Oil Company in 1924, which included the asset of the Robinson, Illinois refinery. The Ohio Oil Company changed its name to Marathon Oil Company on August 1, 1962. On March 11, 1982, Marathon Oil Company became a subsidiary of USS Holdings Company, an Ohio Corporation, owned by United States Steel Corporation. On July 9, 1982, Marathon Oil Company changed its name to Marathon Petroleum Company and USS Holdings Company changed its name to Marathon Oil Company. On July 10, 1982, Marathon Petroleum Company declared a "partial liquidation," which transferred its headquarters and upstream operations to the new Marathon Oil Company (formerly USS Holdings Company). After the close of business on December 31, 1990, Marathon Petroleum Company and TXO Production Corp. were merged into Marathon Oil Company.

(d) Marathon objects to listing any and all other forms that Marathon conducted business at any time. Such request is irrelevant, immaterial, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, see response to (c).

(e) Marathon objects to listing any and all other names in which it conducted business at any time. Such request is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, see response to (c).

(f) Houston, Texas.

(g) Marathon is presently incorporated in the State of Ohio. Marathon objects to the further request to state if Marathon has, at any time, been incorporated or registered in a different state as there is not a definition of the term "registered." Notwithstanding this objection and without waiving this objection, Marathon is only incorporated in the State of Ohio. Marathon is authorized to do business in a number of different states.

(h) Most recent date of incorporation is November 18, 1981.

(i) Marathon is and has been qualified/authorized to do business in the State of Illinois from July 16, 1982.

(j) Marathon's statutory agent is CT Corporation System.

(k) CT Corporation System, 208 South Lasalle Street, Chicago, Illinois 60604.

INTERROGATORY NO. 4: Has Defendant been sued under its correct legal name? If not, state the correct legal name of Defendant and provide the information requested in No. 3 above concerning the defendant as correctly named.

ANSWER:

(a) and (b) - MAP is the present owner of the Robinson Illinois refinery. MAP is a joint venture, begun on January 1, 1998, between Marathon and Ashland, Inc.

(c) Emro Supply, LLC was formed on June 11, 1997 with two members: Marathon, holding a 60% interest and Emro Marketing Company, holding a 40% interest. Effective as of July 18, 1997, Emro Marketing Company assigned a 39% interest in Emro Supply, L.L.C. to Marathon and a 1% interest in Emro Supply, LLC to Fuelgas Company, Inc., giving Marathon a 99% interest and Fuelgas Company, Inc. a 1% interest. Emro Supply, LLC changed its name to Marathon Ashland Petroleum on October 29, 1997. On January 1, 1998, Ashland, Inc. became a Member of MAP with a 38% interest. Marathon's interest was revised to 61%. On January 1, 1998, Fuelgas Company, Inc., a wholly owned subsidiary of Marathon, merged into Marathon, giving Marathon an additional 1% interest in MAP.

(d) Marathon objects to listing any and all other forms in which MAP conducted business at any time. Such request is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, see answer to (c).

(e) Marathon objects to listing any and all other names that MAP conducted business at any time. Such request is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, see answer to (c).

(f) MAP's principal place of business is Findlay, Ohio.

(g) Delaware

(h) Most recent date of incorporation is June 11, 1997.

(i) MAP is and has been authorized to transact business in the State of Illinois as of July 30, 1997.

(j) MAP statutory agent is CT Corporation System.

(k) CT Corporation System, 208 South Lasalle Street, Chicago, Illinois 60604.

INTERROGATORY NO. 5: Identify any and all persons or entities which owned more than a ten percent (10%) interest in this Defendant during the years 1930 to 1980, and for each such person or entity identified, state the date(s) during which said person or entity owned more than a ten percent (10%) interest in Defendant and the specific type and amount of interest owned.

ANSWER:

Marathon objects on the basis that the information request is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, the predecessor of Marathon was the Ohio Oil Company, which was incorporated on August 1, 1887. During the years 1930-1980, the Ohio Oil Company was a publicly-held company. Marathon is unable to identify its 10% or greater shareholders as available records do not identify the percentage ownership of individuals. The shareholder ledgers were organized by individual account, not in relation to the total number of shares issued at set points in time, which is necessary to determine the percentage ownership.

INTERROGATORY NO. 6: Identify any and all companies, businesses, corporations, and/or joint ventures in which this Defendant owns, or at any time has owned, more than a ten

percent (10%) interest during the years 1930 to 1980, and which engaged in the design, manufacture, selling, distributing, applying, installing, testing, or relabeling of asbestos-containing products.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, to the best of Marathon's knowledge, Marathon did not have ownership in a company during the years 1930 to 1980 that manufactured, sold, distributed, tested, or relabeled asbestos-containing products.

INTERROGATORY NO. 7: With respect to each corporation, company, business or joint venture identified in response to Interrogatory No. 6 state:

- (a) The type of business, conducted by such related company;
- (b) The past and present business relationship(s) between said related company and Defendant;
- (c) The nature of the products or services, which Defendant has sold to, or purchased from, said related company;
- (d) Whether or not said related company advertises or has advertised products or services supplied by Defendant;
- (e) Whether or not said related company sells or has sold Defendant's products or services within the State of Illinois and, if so, the approximate value of those sales from 1930 to date;
- (f) Whether or not said related company pays taxes of any type to the State of Illinois or to any political subdivision thereof and, if so, the type of taxes paid;
- (g) Whether or not Defendant controls or has controlled, directly or indirectly, in

whole or in part, said related company's advertising; and,

- (h) The identity of any past or present officer or director of Defendant who served as an officer or director of said related company during the years 1930 to 1980.

ANSWER:

See response to Interrogatory No. 6.

INTERROGATORY NO. 8: List all directors and officers of Defendant from 1930 to 1980 and for each state all positions held and the date(s) during which each position was held.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 2.

INTERROGATORY NO. 9: State whether any of Defendants' present or former officers or directors served (whether before, during or after becoming Defendants' officer or director) as an officer or director of any other company, corporation or business which manufactured, sold or distributed asbestos or asbestos-containing products during the years 1930 to 1980 and, if so, please:

(a) Identify each officer and director of Defendant, who served as such other company's officer or director; and

(b) Identify each company, corporation or business for which each such officer or director served, each position held by such officer or director for such other company, corporation or business, and the time periods each position was held.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon does not have records of the information requested. Marathon is, however, seeking this information from available officers and directors who are still living. Marathon will supplement this answer when the information becomes available.

INTERROGATORY NO. 10: Has Defendant ever acquired, through purchase, reorganization or merger, another company, corporation or business which manufactured, sold, processed, distributed or contracted to apply, asbestos and/or asbestos-containing products?

ANSWER:

No. Please see response to Interrogatory No. 6.

INTERROGATORY NO. 11: If the answer to Interrogatory No. 10 is "Yes," with respect to each such predecessor:

- (a) State its full and correct name;
- (b) State its principal place of business;
- (c) State its State of incorporation;
- (d) State its date and manner of acquisition by Defendant;
- (e) Whether this predecessor was, at any time, authorized to transact business in the State of Illinois; and
- (f) Identify any and all documents referring to, relating to or reflecting the acquisition.

ANSWER:

See responses to Interrogatory No. 10.

INTERROGATORY NO. 12: Has Defendant ever acquired from another corporation, company, or business, by any means other than those specified in Interrogatory No. 10, assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products?

ANSWER:

No. See response to Interrogatory No. 10.

INTERROGATORY NO. 13: If the answer to Interrogatory No.12 is "Yes," with respect to each such acquisition:

- (a) State the full and correct name of the company from which such assets or rights were acquired;
- (b) State the principal place of business of the company from which said assets or rights were acquired;
- (c) Describe the assets or rights acquired, including the specific asbestos-containing products to which said assets or rights related; and
- (d) Identify any and all documents referring to, relating to or reflecting the transaction.

ANSWER:

See response to Interrogatory No. 12.

INTERROGATORY NO. 14: Other than any transaction identified in response to Interrogatories Nos. 10-13, has this Defendant ever been involved, in any capacity, including but not limited to, seller, transferor, grantor, franchisor, licensor, buyer, transferee, grantee, franchisee or subject of the transaction, in any transaction, of any kind, concerning any of the following:

- (a) the purchase/sale or transfer of ownership of a company, corporation or business

) which manufactured, sold, processed, distributed or contracted to apply asbestos and/or asbestos-containing products; or

- (b) the purchase/sale or transfer of ownership of the assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products; or
- (c) the purchase/sale or transfer of liabilities arising out of the manufacture, sale, processing, distribution or application of asbestos or asbestos-containing products.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Marathon objects, as the term "processed" is not defined. Notwithstanding this objection and without waiving this objection, to the best of Marathon's knowledge, Marathon has not been involved in any capacity for the purchase of a company, transfer of ownership of assets of a company, or transfer of liabilities of a company which manufactured, sold, or distributed asbestos or asbestos-containing products.

INTERROGATORY NO. 15: If the answer to any sub-part of Interrogatory No. 14 is

"Yes," with respect to each such transaction:

- (a) Identify all parties to the transaction;
- (b) Identify the subject matter of the transaction;
- (c) State the date of the transaction; and,
- (d) Identify any and all documents, referring to, relating to or reflecting the transaction.

ANSWER:

See response to Interrogatory No. 14.

INTERROGATORY NO. 16: State the first and last dates on which any asbestos-containing product was manufactured by:

- (a) Defendant;
- (b) each and every predecessor; and,
- (c) each and every related company.

ANSWER:

Marathon objects on the basis that the information as to each and every predecessor and each and every related company is irrelevant, immaterial, overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving this objection, Marathon has never manufactured an asbestos-containing product or marketed an asbestos-containing product.

INTERROGATORY NO. 17: State the first and last dates on which any asbestos-containing product was specified, sold, distributed, applied and/or installed within the United States by:

- (a) Defendant;
- (b) each and every predecessor; and,
- (c) each and every related company.

ANSWER:

Marathon objects on the basis that the information as to each and every predecessor and each and every related company is irrelevant, immaterial, overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Marathon objects

as there is not a definition as to the term "specified." Notwithstanding this objection and without waiving this objection, Marathon has never sold or distributed asbestos-containing products. As to whether any asbestos-containing product was applied or installed, please see documents produced in response to Request for Production No. 4.

INTERROGATORY NO. 18: State the last date on which Defendant or any related company specified, sold, distributed, applied and/or installed any asbestos-containing product outside the United States and identify by brand or trade name the products so specified, sold, distributed, applied and/or installed.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Marathon objects, as there is not a definition as to the term "specified." Marathon objects as to information sought for information regarding any asbestos-containing product "outside the United States." Notwithstanding this objection and without waiving this objection, Marathon has never sold or distributed asbestos-containing products. As to the application or installation of asbestos-containing products, please see documents produced in response to Request for Production No. 4.

INTERROGATORY NO. 19: Identify by full and complete trade name, any and all asbestos-containing products as defined above, which this Defendant, any related company, or any predecessor(s) has, at any time requested, specified, purchased, allowed or otherwise caused to be present on its premises in Robinson, Illinois.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Notwithstanding this objection and without waiving the objection, please see documents produced in response to Request for Production Nos. 4 and 18.

INTERROGATORY NO. 20: With respect to each asbestos-containing product listed for in response to Interrogatory No. 19:

- (a) Identify the specific company (Defendant, predecessor, related company) which requested, specified, purchased, allowed or otherwise caused such asbestos-containing product to be present on its premises;
- (b) State the year in which Defendant, its related company or its predecessor first requested, specified, purchased, allowed or otherwise caused such asbestos-containing product to be present on its premises; and,
- (c) State the year in which the Defendant, its related company or predecessor last requested, specified, purchased, allowed or otherwise caused such asbestos-containing product to be present on its premises.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery.

Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Notwithstanding this objection and without waiving the objection, Marathon answers as follows:

- (a) Please see documents produced in response to Requests for Production Nos. 4 and 18.
 - (b) The Ohio Oil Company, Marathon's predecessor, acquired the Robinson Refinery in 1924. Although there are no current or previous employees to verify this, it is assumed that the refinery contained asbestos containing products, but not raw asbestos, at that time.
 - (c) Marathon ceased installation of asbestos insulation in the late 1970's and gradually phased out installation of all other asbestos-containing materials throughout the 1980's.
- Currently, Marathon does not install any asbestos-containing materials that it is aware of.

INTERROGATORY NO. 21: Has this Defendant, any predecessor or any related company, ever engaged in the business of mining asbestos? If so:

- (a) Identify which company(ies) whether (Defendant, predecessor or related company) engaged in said business;
- (b) State the date(s) during which each said company engaged in such business;
- (c) State each and every location at which such mining was done;
- (d) Identify each and every officer, employee and/or agent of said company who, at any time, was in charge of each mining operation; and,
- (e) Identify each and every entity, if any, to which said company sold the asbestos, which was mined.

ANSWER:

Marathon has never engaged in the business of mining asbestos.

INTERROGATORY NO. 22: Has this Defendant, any predecessor or any related company ever purchased and resold raw asbestos? If so, with respect to each such purchase and resale:

- (a) State the date(s) of the transaction;
- (b) Identify any and all parties from which the raw asbestos was purchased; and,
- (c) Identify any and all parties to which the raw asbestos was sold.

ANSWER:

Marathon has never purchased and/or resold raw asbestos.

INTERROGATORY NO. 23: Is Defendant or any related company, as of the date of answering these interrogatories, still requesting, specifying, purchasing, allowing or otherwise causing asbestos-containing products to be present on its premises? If so, give the brand/trade names of such products, type and percentage of asbestos in such product, and the date on which Defendant or any related company requested, specified, purchased, allowed or otherwise caused the asbestos-containing product to be present on its premises.

ANSWER:

 Marathon ceased installation of asbestos insulation in the late 1970's and gradually phased out installation of all other asbestos-containing materials throughout the 1980's. Currently, Marathon does not install any asbestos-containing materials that it is aware of.

INTERROGATORY NO. 24: With respect to each and every product listed in response to Interrogatory No. 19, provide a full and complete description of the package in which the product was sold, including, but not limited to, type of package, size, color and

writings thereon.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Furthermore, Marathon objects on the basis that any of the requested information that is not specified on the MSDS provided by the manufacturer is outside Marathon's possession or control, as Marathon was not the manufacturer of the products. Notwithstanding this objection and without waiving this objection, please see the MSDS produced in response to Request for Production Nos. 4 and 6.

INTERROGATORY NO. 25: For each subpart below, state whether or not, to Defendant's knowledge, any items as described therein presently exist and, if so, identify any and all such existing items and state the present location of each:

- (a) any product listed in response to Interrogatory No. 19, including, but not limited to, any sample, part or piece thereof;
- (b) any package of the type in which any or all of the products listed in response to Interrogatory No. 19 were or would have been sold, including, but not limited to, any partial package;
- (c) any catalogue, brochure, sales literature or like item referring to, relating to or reflecting any or all of the products listed in response to Interrogatory No. 19;

- (d) any picture, drawing, photograph or like representation of the items described in subparts (a), (b) and/or (c) of this Interrogatory.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Furthermore, Marathon objects on the basis that any of the requested information that is not specified on the MSDS provided by the manufacturer is outside Marathon's possession or control, as Marathon was not the manufacturer of the products. Notwithstanding this objection and without waiving the objection, see documents produced in response to Request for Production Nos. 4 and 6.

INTERROGATORY NO. 26: With respect to each product listed in response to Interrogatory No. 19, state whether, based upon the material contents, the method of manufacturing, and the method of application, such product could generally be applied or installed without liberating asbestos fibers?

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery.

Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Furthermore, Marathon objects on the basis that any of the requested information that is not specified on the MSDS provided by the manufacturer is outside Marathon's possession or control, as Marathon was not the manufacturer of the products. Notwithstanding this objection and without waiving this objection, please see the MSDS produced in response to Request for Production Nos. 4 and 6.

INTERROGATORY NO. 27: Identify each person who participated in the decision making process wherein it was determined that any and/or all of the products listed in response to Interrogatory No. 19 would be requested, specified, purchased, installed or otherwise caused to be present on Defendant's premises:

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Notwithstanding this objection and without waiving the objection, if plaintiff can specify the type of product, its location, use and date, then Marathon might be able to determine who was involved in this decision making process. Also, please see documents produced in response to Request for Production No. 4.

INTERROGATORY NO. 28: Identify any and all documents, including, but not limited to, written memoranda, specifications, blueprints, formulas, patterns and designs,

referring to, relating to or reflecting the decision to request that any or all products listed in response to Interrogatory No. 19 be requested, specified, purchased, allowed or otherwise caused to be present on Defendant's premises:

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production No 4.

INTERROGATORY NO. 29: With respect to each product listed in response to

Interrogatory No. 19, state:

- (a) The type of asbestos contained in the product as it was first manufactured;
- (b) The percentage of asbestos contained in the product as it was first manufactured;
- (c) Any modification to the product which altered the percentage or type of asbestos in the product and the dates of such modification;
- (d) The source of asbestos in each product;
- (e) The color, physical characteristics, and appearance of each product;
- (f) Any and all other names under which the product was known to Defendant, at any time;
- (g) If the product is no longer requested, specified, purchased, allowed or otherwise caused to be present on its premises, state all reasons why the product is no longer requested, specified, purchased, allowed or otherwise caused to be present on its premises, identify the person(s) who made the decisions related to this change;

- (h) The reasons why asbestos was used as an ingredient in each such product.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Since the Robinson Refinery has asbestos free areas and has removed asbestos from many areas over the years, it is possible that even if Mr. Derby worked at the Robinson Refinery, that he did not work in an area that contained asbestos. Furthermore, Marathon objects on the basis that the information requested in subparts (a)-(e) and (h) that is not specified on the MSDS provided by the manufacturer is outside Marathon's possession or control, as Marathon was not the manufacturer of the products. Notwithstanding this objection and without waiving this objection, investigation continues. Please see the MSDS produced in response to Request for Production Nos. 4 and 6. For subpart (g), see documents produced in response to Request for Production Nos. 4 and 6.

INTERROGATORY NO. 30: Identify any and all facilities which Defendant, any predecessor or any related company, at any time, manufactured or processed asbestos-containing products, or processed raw asbestos. For each such facility identified:

- (a) State the date(s), which said facility, was owned and/or operated by Defendant, any predecessor or any related company;
- (b) State the date(s) during which asbestos-containing products and/or raw asbestos were manufactured or processed, at said facility; and,
- (c) Identify each person serving as the manager or supervisor of said facility during any time which the facility has been owned and/or operated by Defendant, any predecessor or any related company, and state the date(s) of the tenure as manager or supervisor for each.

ANSWER:

Marathon objects to this interrogatory, as the word "processed" is not defined. Notwithstanding this objection and without waiving this objection, Marathon has not manufactured or processed asbestos-containing products or processed raw asbestos.

INTERROGATORY NO. 31: Does the Defendant own any of its own issued stock as "treasury" stock? If so, describe the nature of and the consideration paid for the Defendant's acquisition of its own stock.

ANSWER:

Marathon (the Ohio company formed in 1981) does not have any treasury stock. Marathon is a wholly-owned subsidiary of Marathon Oil Corporation (formerly known as USX Corporation). Marathon Oil Corporation's common stock is a publicly traded stock. Please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 32: Identify any and all persons known by you to have any knowledge concerning the Defendant's decision to request, specify, purchase, allow or otherwise cause the products listed in Interrogatory No. 19 to be present on its premises.

ANSWER:

Marathon objects on the basis that the information would be irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Marathon objects, as the term "or otherwise" is not defined. Notwithstanding this objection and without waiving this objection, if plaintiff can specify the types of products, location of said products, use of such products, and dates of exposure by plaintiff, then Marathon

might be able to determine who had knowledge, if any, concerning products at its premises.

Please see documents produced in response to Request for Production No. 4.

INTERROGATORY NO. 33: With respect to the products listed in response to Interrogatory No. 19, did Defendant, any predecessor or related company or the manufacturer of the products ever conduct tests of any kind on any or all of said products concerning possible or potential health hazards involved in its use or in the use of materials contained therein?

ANSWER:

Marathon objects on the basis that the information requested on tests performed by the manufacturer is outside Marathon's possession or control. Marathon further objects to the lack of a definition for the term "tests." Notwithstanding this objection and without waiving this objection, assuming that this interrogatory is asking about studies of health effects to humans or  animals, it did not conduct any tests as to whether it causes any disease.

INTERROGATORY NO. 34: If your answer to Interrogatory No. 33 is "Yes," with respect to each product test:

- (a) State the location where the test was performed;
- (b) Identify each and every individual who conducted or participated in said test;
- (c) Describe the results of said test;
- (d) State the date or dates upon which said test was conducted;
- (e) Identify any and all documents referring to, relating to or reflecting said test or the results thereof; and
- (f) Identify each and every individual who received a copy of any document referring to, relating to or reflecting the results of said test.

ANSWER:

See response to Interrogatory No. 33.

INTERROGATORY NO. 35: Did any person, including but not limited to, an officer, agent or employee of Defendant, any predecessor or related company recommend any design changes as a result of any test referenced in your response to the preceding interrogatory?

ANSWER:

See response to Interrogatory No. 33.

INTERROGATORY NO. 36: If your answer to Interrogatory No. 35 is "Yes," with respect to each such recommended design change:

- (a) State the product or products involved;
- (b) State the test or tests involved;
- (c) State the nature of the change recommended;
- (d) Identify the person(s) making the recommendation;
- (e) State the nature and effective date of any change made; and
- (f) Identify each and every person who participated in the decision to make or not make the recommended design change.

ANSWER:

See response to Interrogatory No. 35.

INTERROGATORY NO. 37: Identify any and all persons employed by Defendant, its

predecessor or related company at any time from 1940 to date as an industrial hygienist or in a similar position.

ANSWER:

Marathon objects to the lack of definition of "industrial hygienist" or "in a similar position".

Notwithstanding the objection and without waiving the objection, Marathon has compiled the following list of employees who have the title of Industrial Hygienist or who have performed industrial hygiene functions. Names with an asterisk (*) are present employees.

Industrial Hygienists for Marathon and/or MAP:

Richard T. Gies*	Jennifer Sologub*
Tim Kass	Joseph Sologub*
Jay Holtman	Ray Cook*
Ed Conrad	Scott Jenkins*
Diane Burchanowski	Carla Holmes
James Kenyon*	Justin O'Shea
Joy Roth	Bruce Crowell
Steve Strasma*	Chuck Whitman*
Maximilian Hekmat	Michael Merrifield*
John Garlaski	David Ellingsworth*
Richard Quinn	

The following list includes persons that have performed industrial hygiene functions:

Scott Shackleford	Jinni Spencer*
Paul Hart	Richard Defend

Krista Scarborough

Jim Marrietta*

Earl Dauterive

Gary Runyon*

Jennifer Koutny

Steve Bandy

Calvin Reavis

John Parziale

Mark Susich

Robert ("Lee") Silverthorne

Chad Witten*

J. C. ("Red") Stewart

INTERROGATORY NO 38: Identify any and all persons or entities, other than the employees listed above, which provided industrial hygienic or similar services or information to, or for the benefit of, this Defendant, at any time from 1940 to date, including, but not limited to, employees of, or anyone retained by, any predecessor or related company.

ANSWER:

Marathon's industrial hygiene program was formalized in 1977. Prior to this time, all programs conducted on behalf of Marathon were done by safety managers and safety personnel on the premises. In addition, Marathon has used some independent consultants. For complete information, please see documents produced in response to Request for Production No. 15.

Investigation continues.

INTERROGATORY NO. 39: Does Defendant have, or has Defendant, any predecessor or any related company ever had, a Research Department? If so:

- (a) State when such department was established, and whether or not such department has operated continuously since being established;

- (b) State how much Defendant, its predecessor and/or related company expended each year on research; and
- (c) State the percentage of said expenditure, which was for research concerning the health affects of asbestos;
- (d) Identify the person(s) in charge of such department throughout its existence; and
- (e) Identify the person(s) in charge of any asbestos-related research conducted by such department throughout the years.

ANSWER:

Marathon objects to the lack of definition and/or vagueness of the term "Research Department".

Notwithstanding this objection and without waiving this objection, Marathon had a research department that did bulk testing of building and construction products in Littleton, Colorado from approximately 1956-2000.

(a) The Littleton department was established in either 1956 or 1957. The Littleton department was closed in 2000.

(b) Marathon is currently unaware of how much was expended on research. Please see documents produced in response to Request for Production No. 16. Investigation continues.

(c) The Littleton department did not do any research concerning the health effects of asbestos.

The Littleton department analyzed core samples and conducted asbestos analysis of bulk insulation samples. Alternatively, the Littleton department would send samples to outside labs for sampling analysis of bulk insulation samples.

(d) Floyd Boyard was the head of the analytical department.

(e) The Littleton department did not do any asbestos-related research other than the asbestos analysis of bulk insulation samples.

In addition, MAP maintains a research and Development department in Catlettsburg, Kentucky.

This department has only been affiliated with Marathon as of 1998.

INTERROGATORY NO. 40: Did Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, maintain a medical and/or scientific library at any time from 1940 to the present? If so:

- (a) State the dates such library existed;
- (b) State the number of volumes maintained therein;
- (c) State the number of employees, part-time or full-time, assigned to the maintenance of said library; and
- (d) Identify the person(s) within the corporate structure to whom said library employees reported throughout the existence of the library.

ANSWER:

There is not a centralized medical research library for Marathon. A scientific library was maintained at Littleton, Colorado before its closure in 2000. There was also a centralized library in Findlay, Ohio from the 1950's to 1960's, which included medical and scientific references. Investigation continues.

INTERROGATORY NO. 41: Identify any and all scientific or medical periodicals to which Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, subscribed from 1940 to the present, and for each periodical state the dates of such subscriptions.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving the objection, Marathon and/or individuals at Marathon subscribe or have subscribed to the following periodicals. Please note

that information on journal subscriptions is not known. Many of the periodicals listed are more recent subscriptions (1990's):

Texas Medicine

The Physician and Sports Medicine

Journal of Occupational & Environmental Medicine

The Occupational & Environmental Medicine Report

The New England Journal of Medicine

Scientific American Medicine Bulletin

Occupational Medicine: State of the Art Reviews

Journal Watch

Morbidity & Mortality Weekly Report

MRO Alert

Alternative Medicine Alert

Journals of the Nurses, Industrial Hygienists and Toxicologist

American Association of Occupational Health Nurses. Subscription in the 1970's.

American Journal of Nursing. Since approximately 1997.

American Industrial Hygiene Association Journal. Since approximately 1975.

Applied Occupational and Environmental Hygiene. Since approximately 1990.

Toxicological Sciences (Formerly Fundamental & Applied Toxicology). Since 1984.

Toxicology and Applied Pharmacology. Since 1984.

International Journal of Toxicology (formerly Journal of the American College of Toxicology).

Since 1984.

INTERROGATORY NO. 42: Has Defendant, any predecessor or any related

company, at any time since 1940:

- (a) been a member of a medical and/or scientific library or library association?
- (b) been a member of any organization or association, which maintained a medical and/or scientific library?
- (c) been a member of any organization or association through which members obtained the use of, or access to, a medical and/or scientific library?

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving the objection, Marathon answers as follows:

(a) To the best of Marathon's knowledge, no.

(b) American Petroleum Institute.

→ (c) Per Marathon's health services department, Marathon has access to reprints from Medical and/or Scientific Journals through Intralibrary Loan at the Medical College of Ohio, Toledo. In addition, Marathon was a member of the American Petroleum Institute.

INTERROGATORY NO. 43: If your answer to any subpart of Interrogatory No. 42 is

"Yes":

- (a) Identify the library(ies) involved and state the years during which Defendant, its predecessor or related company was a member of, or otherwise had use of or access to said library; and
- (b) If applicable, identify the organization or association through which Defendant, its predecessor or related company, obtained the use of or access to, such library(ies).

ANSWER:

See answer to Interrogatory No. 42.

INTERROGATORY NO. 44: Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to, any insurance company, at any time, conducted any industrial hygiene surveys concerning any product identified in response to Interrogatory No. 19, including, but not limited to, surveys concerning the manufacture, processing, application, installation, use and/or removal of said products?

ANSWER:

Marathon objects to this interrogatory as the information requested from any predecessor, any related company, or from any insurance company is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Marathon objects to the extent that the information requested is outside Marathon's possession or control. Notwithstanding this objection and without waiving this objection--yes. Marathon has conducted Inhale Data Surveys, personal monitoring, and bulk asbestos analysis. See documents produced in response to Request for Production No. 18.

INTERROGATORY NO. 45: If your answer to Interrogatory No.44 is "Yes," with respect to each such survey:

- (a) Identify the product(s) which was used in the survey;
- (b) Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said survey;
- (c) State the date(s) of said survey;
- (d) Describe the methodology, results and conclusions of said survey;

- (e) Identify any and all documents referring to, relating to, or reflecting said survey or the results and conclusions thereof; and,
- (f) Identify any and all persons to whom such document may have been sent.

ANSWER:

See documents produced in response to Request for Production No. 18.

INTERROGATORY NO. 46: Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to any insurance company, at any time, gone into any area where any product identified in response to Interrogatory Nos. 19 was being manufactured, used, applied, installed, or removed to perform a dust level count or similar test?

ANSWER:

Marathon objects to this interrogatory as the information requested from any predecessor, any related company, or from any insurance company is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Marathon objects to the extent that the information requested is outside Marathon's possession or control.

Notwithstanding this objection and without waiving this objection, studies of and control of dust conditions began at the Robinson, Illinois Refinery premises in the 1970's and it is believed that dust level counts began in the early 1970's by safety personnel at the Robinson, Illinois Refinery. Formal studies of dust conditions on the Robinson, Illinois Refinery premises began in 1977. See documents produced in response to Request for Production No. 18. Investigation continues.

INTERROGATORY NO. 47: If your answer to Interrogatory No. 46 is "Yes," identify each such count or test performed, by stating when and where it was conducted, and

with respect to each count or test so identified:

- (a) Identify the product being manufactured, used, applied or installed;
- (b) Identify each and every person who conducted, participated in conducting, or analyzed the results of, said count or test;
- (c) State the purpose of said count or test;
- (d) State what, if any, actions were taken in response to the results of said count or test; and
- (e) Identify any and all documents referring to, relating to or reflecting said count or test, including, but not limited to, any actions taken in response to the results of such count or test.

ANSWER:

See documents produced in response to Request for Production No. 18.

INTERROGATORY NO. 48: Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies), of any kind, concerning the effects of the inhalation of asbestos dust or asbestos fibers on one using or being exposed to asbestos or any asbestos-containing product, including, but not limited to, those identified in response to Interrogatory Nos. 19?

ANSWER:

Marathon objects to the lack of a definition for the term "study(ies)". Notwithstanding the objection and without waiving the objection, Marathon participated in the OH1 survey around  the early to mid-1970's. Marathon also conducted medical monitoring of its employees as well as dust studies. See Answer to Interrogatory No. 46. Investigation continues.

INTERROGATORY NO. 49: If your answer to Interrogatory No. 48 is "Yes," with

respect to each such study:

- (a) Describe the nature of said study, including, but not limited to, the purpose and objectives of the study, the product(s) involved, the date(s) conducted, the methodology employed and the results reached, both raw data and conclusions;
- (b) Identify any and all entities and/or persons conducting said study or participating in the conducting of said study;
- (c) Identify any and all documents referring to, relating to or reflecting said study, including but not limited to reports (both interim and final), notes, memoranda, work papers, data compilations and surveys;
- (d) Identify any and all directors, officers, agents or employees of Defendant who participated in the decision to have the study conducted; and,
- (e) Identify any and all entities and/or persons who received a copy of any document referring to, relating to or reflecting the results or conclusions reached.

ANSWER:

See response to Interrogatory No. 48.

INTERROGATORY NO. 50: Did Defendant, its predecessor or related company, take any action as a result of any study or studies set forth in response to Interrogatory Nos. 46 and 48? If so, identify each and every study which resulted in some action being taken, and:

- (a) Describe the actions taken, including the effective date of said actions;
- (b) Identify any and all persons, including, but not limited to, directors, officers, agents and employees of Defendant who participated in the decision to undertake said actions; and
- (c) Identify any and all documents referring to, relating to or reflecting said actions, or any subsequent modification or discussion of the same.

ANSWER:

See documents produced in response to Request for Production Nos. 7, 14, 18, 46, and 48.

INTERROGATORY NO. 51: Has Defendant, any predecessor, or any related

company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies) and fibers by those using, handling or exposed to any product listed in response to Interrogatory No. 19?

ANSWER:

Marathon objects to the lack of a definition for the term "study(ies)". Notwithstanding the objection and without waiving the objection, to the best of Marathon's knowledge, no studies designed to minimize or eliminate the inhalation of asbestos dust have been conducted. Marathon does, however, conduct air monitoring to determine the level of asbestos dust and conditions/work processes are modified accordingly to prevent the inhalation of asbestos dust. See documents produced in response to Request for Production Nos. 7, 14, and 18.

INTERROGATORY NO. 52: If your answer to Interrogatory No. 51 is "Yes," with respect to each such study:

- (a) Identify the product involved;
- (b) Identify the person(s) and/or entity(ies) conducting said study;
- (c) State the date said study began and the date on which it was completed;
- (d) Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;
- (e) Describe the nature of said study;
- (f) Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- (g) Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- (h) Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

ANSWER:

See response to Interrogatory No. 51 and documents produced in response to Request for Production No. 18.

INTERROGATORY NO. 53: Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

ANSWER:

Marathon has not been able to determine a specific date when asbestos instructions or guidelines were first given. It is believed that verbal orientation began in the 1970's and continued through 1985 when video asbestos information was available and Marathon addressed asbestos through its Standard Operating Procedures Manual. Before 1977, medical monitoring was conducted for people working with asbestos-containing products. In April 1977, an asbestos exposure control program was implemented at Marathon. In 1984, a formal health monitoring program was established. Prior to 1993, Marathon made available MSDS's from the manufacturers of products that contained asbestos, and in 1993, Marathon prepared a MSDS for asbestos-containing products.

In addition, please see documents produced in response to Request for Production Nos. 7 and 14. Investigation continues.

INTERROGATORY NO. 54: Did Defendant, any predecessor or any related

company, at any time, provide any warning signs or labels regarding any of the products listed in response to Interrogatory No. 19 on or near said products?

ANSWER:

Marathon started identifying asbestos insulation in the late-1970's by using speckled non-asbestos products. By the mid-1980's, Marathon had begun labeling asbestos-containing products specifically. Currently, there is an extensive labeling program at Marathon. In addition, please see documents produced in response to Request for Production Nos. 7 and 14. Investigation continues.

INTERROGATORY NO. 55: If your answer to Interrogatory No. 54 is "Yes," identify each and every product for which such a warning sign or label was utilized, and with respect to each such product identified:

- (a) State the date on which any order directing that a warning be placed on or near said product first issued;
- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such warning was actually placed on or near said product;
- (d) State the exact wording of this first warning;
- (e) State the exact location and size of this first warning as it appeared on or near said product;
- (f) Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;
- (g) State why you placed such warning on or near said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of

communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and

- (h) Identify any and all documents referring to, relating to or reflecting, said warning, it's drafting, and/or the decision to place the warning on or near said product, including, but not limited to, any communication as described in subpart (g) of this Interrogatory.

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by attorney client privilege or attorney work product privilege. Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production Nos. 7 and 14.

INTERROGATORY NO. 56: With respect to each warning sign or label identified in response to Interrogatory No. 55, state whether, subsequent to the first warning described above, any different warning was ever placed on or near said product. Any alteration, change or modification in the language, wording, capitalization, punctuation, style of type or printing, size, color, or location on the package or container, of the warning constitutes a different warning.

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by the attorney client privilege or the attorney work product privilege. Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production Nos. 7 and 14.

INTERROGATORY NO. 57: With respect to each different warning listed in response to Interrogatory No. 55:

- (a) State the date on which any order directing that such different warning be placed

on or near said product first issued;

- (b) Identify any and all persons participating in the decision to issue that order;
- (c) State the first date on which such different warning was actually placed on said product;
- (d) Describe, with specificity, any and all changes, modifications or differences between the different warning and the prior warnings(s);
- (e) Identify any and all persons who participated in any phase of the drafting or design of such different warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the different warning;
- (f) State why you placed such different warning on or near said product, including, but not limited to, whether you placed such different warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and
- (g) Identify any and all documents referring to, relating to or reflecting, said different warning, its drafting, and/or the decision to place the different warning on or near said product.

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by the attorney client privilege or the attorney work product privilege. Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production Nos. 7 and 14.

INTERROGATORY NO. 58: Prior to the date on which Defendant first directed that a warning accompany any product identified in response to Interrogatory Nos. 19, did any person, firm, organization or other entity, within or without your employ, suggest, recommend, counsel, advise, or otherwise indicate in any manner, that a warning should accompany any or all such products or asbestos-containing products generally?

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by the attorney client privilege or the attorney work product privilege. Notwithstanding this objection and without waiving this objection, see response to Interrogatories Nos. 53 and 54.

INTERROGATORY NO. 59: If your answer to Interrogatory No. 58 is "Yes," with respect to each such suggestion, recommendation, counseling, advice or other indication:

- (a) Identify the person(s) and/or entity(ies) giving the same;
- (b) State the date(s) on which the same was given;
- (c) Identify any and all persons receiving notice of the same;
- (d) Describe what, if any, action Defendant took in response to or upon the same; and,
- (e) Identify any and all documents referring to, relating to or reflecting the same, or any action taken thereon or in response thereto.

ANSWER:

See documents produced in response to Request for Production Nos. 7 and 14.

INTERROGATORY NO. 60: Did any warning of any type concerning the products listed in response to Interrogatory No. 19 ever appear in any sales literature or other materials distributed or provided to Defendant, any predecessor or any related company, by the seller, distributor, installer, or manufacturer of such products?

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by the attorney client privilege or the attorney work product privilege. Notwithstanding this objection

and without waiving this objection, see documents produced in response to Request for Production Nos. 4 and 18.

INTERROGATORY NO. 61: If your answer to Interrogatory No. 60 is "Yes," identify each and every item of sales literature or other materials in which such a warning appeared, and for each item so identified:

- (a) State the date on which said item was first provided to Defendant;
- (b) List the products discussed in the literature;
- (c) Identify any and all other sales literature concerning the products listed in response to Interrogatory Nos. 19 which was provided to Defendant the above date and which contained no warning.

ANSWER:

Marathon objects to this interrogatory to the extent that any information is covered by the attorney client privilege or the attorney work product privilege. Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production Nos. 4 and 18.

INTERROGATORY NO. 62: State the year that Defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust, promulgated by the American Conference of Governmental Industrial Hygienists, and identify the specific person(s) receiving such advise, and any and all documents communicating such advise.

ANSWER:

To the best of Marathon's knowledge, the estimate is from 1970 to 1975. Investigation continues.

INTERROGATORY NO. 63: State whether such threshold limit values or maximum allowable concentrations referred to in Interrogatory No. 62 involved TOTAL dust or just asbestos dust?

ANSWER:

Asbestos dust.

INTERROGATORY NO. 64: Describe, in detail, any and all tests, if any, conducted by Defendant, any predecessor or any related company, or anyone acting on behalf thereof, concerning the quantity, quality or threshold limit values of asbestos dust or particles to which applicators or consumers of asbestos-containing products were exposed while using any product identified in response to Interrogatory Nos. 19, including:

- (a) The product being used;
- (b) Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said test;
- (c) State the date(s) of said test;
- (d) Describe the methodology, results and conclusions of said test;
- (e) Identify any and all documents referring to, relating or reflecting said test or the results and conclusions thereof; and,
- (f) Identify any and all persons to whom any document referring to, relating to or reflecting the results or conclusions of said test was sent.

ANSWER:

Marathon conducted air monitoring tests. See documents produced in response to Request for Production No. 18.

INTERROGATORY NO. 65: State the date on which any official of Defendant or its predecessor(s) first had knowledge, notice, information or understanding that exposure to asbestos would, could or might cause each of the following diseases:

- (a) Pleural disease;
- (b) Asbestosis;
- (c) Mesothelioma;
- (d) Lung cancer;
- (e) Any other forms of cancer.

ANSWER:

Marathon objects to this as present personnel cannot testify as to the knowledge of previous personnel of Marathon. Furthermore, Marathon objects to the vagueness of this Interrogatory as neither the Interrogatory, nor the plaintiff's complaint, define the type, degree, or duration of asbestos exposure which might cause the listed conditions. Notwithstanding this objection and without waiving this objection, Marathon's current employee, Rick Gies, would have known and conveyed information to Marathon, when he started in August of 1977, that asbestos exposure at certain levels was capable of causing certain diseases in humans. Prior to 1977, Dr. Hege was in possession of a book called Industrial Dust by Drinker and Hatch, 2nd Edition dated 1954. This book is stamped 1958. Marathon's attempts to find any additional precise answers to this Interrogatory have proven difficult because, to the best of Marathon's knowledge, those who

were in a position to provide such information have passed on. Investigation continues.

INTERROGATORY NO. 66: With respect to each disease set forth in Interrogatory

No. 65:

- (a) Identify the official who first obtained the knowledge, notice, information or understanding to which the interrogatory refers;
- (b) Identify any and all documents referring to, relating to or reflecting such knowledge, notice, information or understanding; and,
- (c) Describe what, if any, action said official, Defendant, any predecessor or any related company took in response to such knowledge, notice, information or understanding.

ANSWER:

- (a) See response to Interrogatory No. 65.
- (b) See response to Interrogatory No. 65.
- (c) The Asbestos Exposure Program and Respiratory Protection Plan were developed in 1977. Marathon updated its asbestos program each time OSHA standards were revised. See also documents produced in response to Request for Production Nos. 9 and 10.

INTERROGATORY NO. 66: Does Defendant possess knowledge or information concerning, a causal connection between exposure to asbestos or asbestos-containing products and:

- (a) Pleural disease?
- (b) Asbestosis?
- (c) Lung cancer?

- (d) Mesothelioma?
- (e) Any other forms of cancer?

ANSWER:

Marathon objects to the vagueness of this Interrogatory as neither the Interrogatory, nor the plaintiff's complaint, define the type, degree, or duration of asbestos exposure which might cause the listed conditions. Notwithstanding this objection and without waiving this objection, Rick Gies would have known and conveyed information to Marathon, when he started in August of 1977, that asbestos exposure at certain levels was capable of causing certain diseases in humans. See also documents produced in response to Request for Production No. 9. It should not be assumed that any of these documents were received on the date of publication, nor should it be assumed that any of these documents were authored in conjunction with Marathon or any of its employees.

INTERROGATORY NO. 67: For each subpart of Interrogatory No. 66 to which you answered "Yes":

- (a) Describe when and how Defendant first obtained knowledge, or information concerning such connection;
- (b) If such knowledge or information was obtained by attendance at any conference, lecture; convention, symposium or meeting, identify such meeting, any and all persons attending, and any and all documents referring to, relating to or reflecting the meeting;
- (c) If knowledge was obtained from medical or scientific studies, or work, published or unpublished, identify the same.

ANSWER:

Marathon objects to the vagueness of this Interrogatory as neither the Interrogatory, nor the plaintiff's complaint, define the type, degree, or duration of asbestos exposure which might cause the listed conditions. Notwithstanding this objection and without waiving this objection, see in response to Request for Production No. 9. It should not be assumed that these documents were received on the date of publication, nor should it be assumed that any of these documents were authored in conjunction with Marathon or any of its employees.

INTERROGATORY NO. 68: With regard to any knowledge or information obtained subsequent to that identified in your answer to Interrogatory No. 67 (a), identify any and all documents or communications (oral and/or written) concerning the causal connection between exposure to asbestos-containing or asbestos products and any disease, which were sent to, or received by, Defendant, and identify any and all persons conveying and/or receiving such communications.

ANSWER:

Marathon objects to this Interrogatory based upon the vagueness of Interrogatory No. 67 as neither that Interrogatory, nor the plaintiff's complaint, define the type, degree, or duration of asbestos exposure which might cause the listed conditions. Notwithstanding this objection and without waiving this objection, Marathon does not know when many of these documents were received by any Marathon personnel. To the extent that the information is available, see documents produced in response to Request for Production No. 9.

INTERROGATORY NO. 69: As to any knowledge or information referred to in Interrogatories 65-68, did Defendant, at any time, educate or inform its employees, contractors,

material providers or any persons working in the vicinity where any asbestos-containing product was being applied or installed as to the hazards known to Defendant or about which Defendant had information, and as to the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of the products identified in response to Interrogatory No. 19?

ANSWER:

To the best of Marathon's knowledge, verbal orientations on asbestos began approximately in the mid 1970's and continued through 1985 when video asbestos information was available and Marathon addressed asbestos through its Standard Operating Procedures Manual. Before 1977, medical monitoring was conducted for people working with asbestos-containing products. In April 1977, an asbestos exposure control program was implemented at Marathon. In 1984, a formal health monitoring program was established. In 1993, as a proactive measure, Marathon prepared an MSDS for existing asbestos in the Refinery since many asbestos product manufacturers, who as manufacturers had the duty under OSHA regulations to write and provide MSDS to asbestos customers, were in bankruptcy. In addition, see responses to Requests for Production Nos. 7, 14, and 17.

INTERROGATORY NO. 70: If your answer to Interrogatory No. 69 is "Yes," identify each such occasion on which Defendant so educated or informed its employees, contractors, material providers or others, as follows:

- (a) Identify the persons or parties which you educated or informed;
- (b) State when, where and in what manner they were educated or informed;
- (c) Identify any and all documents referring to, relating to or reflecting the

communication or other dissemination of such information; and

- (d) Identify any and all persons who so educated or informed, said persons or who participated in the same in any way, including, but not limited to, assembling, drafting, writing, rewriting, preparing or conveying such information in any format.

ANSWER:

See responses to Requests for Production Nos. 7 and 14.

INTERROGATORY NO. 71: Did Defendant or any predecessor entity perform, direct to be performed, finance in whole or in part, sponsor in whole or in part or receive the results of, any studies or tests concerning the relationship between asbestos exposure and asbestosis, cancer and/or mesothelioma?

ANSWER:

To the best of Marathon's knowledge, Marathon did participate in a survey of industrial diseases known as OH1 and conducted by APL. This, however, was only a survey and did not examine any cause and effect relationship between exposure to certain substances and disease.

Investigation continues.

INTERROGATORY NO. 72: If your answer to Interrogatory No. 71 is "Yes," with respect to each such study or test:

- (a) State the nature of the involvement (performed, directed it to be performed, financed, sponsored, received results, etc.);
- (b) State when, where and at what intervals said study was performed;
- (c) Identify any and all persons, firms or entities which performed said study;
- (d) Identify any and all documents referring to, relating or reflecting said study or the results thereof; and

- (e) State all means by which the results of said study were disseminated including, if applicable, publication; and identify any and all persons who received said results and any and all publications in which said results appeared.

ANSWER:

See response to Interrogatory No. 71.

INTERROGATORY NO. 73: How many past or present employees of Defendant, its predecessors or related companies are known by you who claim to be suffering from, to have suffered from, or to have suffered deaths caused by:

- (a) asbestosis?
- (b) lung cancer?
- (c) mesothelioma?

ANSWER:

Marathon objects to providing any information as the time period is not specified and the request includes predecessors and related companies, thus the request is vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon is currently preparing documents and will supplement its answer. In 1977, the first Workers' Compensation claim against Marathon Oil Company for asbestos related disease was filed. Investigation continues.

INTERROGATORY NO. 74: For each employee referenced in your answer to Interrogatory No. 73, state the date that Defendant first knew, or had notice or information, that

such past or present employee who claims he/she was suffering, or had suffered from:

- (a) asbestosis;
- (b) lung cancer;
- (c) mesothelioma.

ANSWER:

Marathon objects to providing any information as the time period is not specified and the request includes predecessors and related companies thus, the request is vague, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, see Answer to Interrogatory No. 73. Investigation continues.

INTERROGATORY NO. 75: Identify any and all material safety data sheets concerning the products listed in response to Interrogatory No. 19 which are, or at any time were, in the possession of Defendant, any predecessor or any related company.

ANSWER:

Marathon on the basis that the information requested from any predecessor or any related company is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon does have material safety data sheets from the Robinson Refinery. See documents produced in response to Request for Production No. 1.

INTERROGATORY NO. 76: Identify any and all trade organizations, associations, or

other entities, including but not limited to American Textile Institute (ATI), Asbestos Information Association (AIA), Industrial Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NSC), American Ceramics Society (ACS), National Building Materials Distributors Assn. (MA), Sprayed Mineral Fiber Manufacturers Assn. (SMFMA), Thermal Insulation Manufacturers Assn. (TLMA), Quebec Asbestos Mining Assn. (QAMA), to which Defendant, any predecessor or any related company has belonged or in which any or all of the same have participated since 1925, and state the applicable dates of such membership or participation.

ANSWER:

To the best of Marathon's knowledge, Marathon was a member of the National Safety Council, Industrial Hygiene Foundation, American Petroleum Institute, and National Petroleum Refining Association. The Ohio Oil Company was a member of API from 1919 to 1961, and Marathon Oil Company has been a member of API since 1963. Marathon became a member of the Industrial Hygiene Foundation in approximately the early-1970's. Investigation continues.

INTERROGATORY NO. 77: Identify any and all persons attending, on behalf of Defendant, any predecessor or any related company, any meetings, seminars or symposiums held by the trade organizations, associations, or other entities identified in response to Interrogatory No. 76 (94) during the years 1930 to 1980.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible

evidence. Notwithstanding and without waving this objection, Marathon does not keep direct records of the requested information. To the extent that the information is available, please see documents produced in response to Request for Production No. 20.

INTERROGATORY NO 78: Did any officer, employee, agent or representative of Defendant, of any predecessor, or of any related company, serve, during the years 1930 to 1980, as:

- (a) an officer, director or official of any trade organization, association or entity identified in response to Interrogatory No. 76?
- (b) a member of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 76?
- (c) the chair of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 76?
- (d) the representative or liaison for any trade organization, association or entity identified in response to Interrogatory No. 94 to any other trade organization, association or entity, including, but not limited to, A.T.I., I.H.F., N.I.M.A., A.I.A., N.I.C.A., T.I.M.A., Q.A.M.A., N.A.C., N.S.C., A.C.S., N.B.M.D.A., N.I.A., S.M.F.M.A.?

ANSWER:

Marathon objects on the basis that the information requested is immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waving this objection, Marathon does not keep direct records of officer, employee, agent, or representative trade organization or association membership. To the extent that Marathon has any such information, please see documents produced in response to Request for Production No. 20.

INTERROGATORY NO. 79: For each subpart of Interrogatory No. 78 to which your answer is "Yes," identify each and every person serving in such capacity and:

- (a) state the trade organization, association or entity for which such service was rendered;
- (b) specify the capacity of service, including identifying any specific committee, subcommittee or other trade organizations, associations or entities involved; and,
- (c) state the applicable dates of service.

ANSWER:

See response to Interrogatory No. 78.

INTERROGATORY NO. 80: Identify any and all documents which Defendant, its predecessor(s) or any related company submitted to, or received from, the organizations listed in response to Interrogatory Nos. 76 and/or 79:

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; and/or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding this objection and without waiving this objection, see documents produced in response to Request for Production No. 20. It should not be assumed that these documents were received on the date of publication, nor should it be assumed that any of these documents were authored in conjunction with Marathon or any of its employees.

INTERROGATORY NO. 81: Identify any and all documents including, but not limited to, minutes, bulletins or reports, created by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 76 and/or 79 or any committee, subcommittee or subgroup thereof;

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Marathon objects on basis that the information requested is not within Marathon's possession or control. Notwithstanding this objection and without waiving this objection, Marathon does not keep direct records of officer, employee, agent, or representative trade organization or association membership, and Marathon, therefore, has no basis on which to answer this Interrogatory.

INTERROGATORY NO. 82: Identify any and all documents including, but not limited to, minutes, bulletins or reports, received by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 76 and/or 79, or any committee, subcommittee or subgroup thereof;

- (a) which refer to, relate to or reflect the subject of asbestos;
- (b) which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- (c) which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

Please see the answer to Interrogatory No. 81.

INTERROGATORY NO. 83: Identify any and all agreements, oral or written, executed or effective during the years 1930 to 1980, between or among Defendant, any organization, association or other entity, including, but not limited to, those identified in your answer to Interrogatory No. 76 and/or any medical or scientific foundations, relating to the standardization of:

- (a) Specifications for asbestos cloth products;
- (b) Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- (c) Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- (d) Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;
- (e) Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- (f) Medical programs to be offered or sponsored by defendant.

ANSWER:

Marathon on the basis that the information requested is irrelevant, immaterial, overly broad,

unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection:

- (a) None to Marathon's knowledge.
- (b) None to Marathon's knowledge.
- (c) None to Marathon's knowledge.
- (d) None to Marathon's knowledge.
- (e) None to Marathon's knowledge.
- (f) None to Marathon's knowledge.

INTERROGATORY NO. 84: Did Defendant, any predecessor or related company, direct to be performed, sponsor in whole or in part, finance in whole or in part, receive the results of, or become aware of, any studies or tests performed by the Saranac Lake Laboratory of the Trudeau Foundation relating to asbestos exposure and its effects upon human health?

ANSWER:

Marathon objects on the basis that present personnel cannot testify as to the knowledge of previously employed personnel of Marathon. Notwithstanding this objection and without waiving this objection, Industrial Dust by Drinker and Hatch, 2nd Edition was in the personal library of Dr. Hege, who was the corporate medical director at the Ohio Oil Company. The book has a one paragraph reference to a study of the Saranac Lake Laboratory of the Trudeau Foundation. To the best of Marathon's knowledge, this is the only reference found to the study in question. Marathon does not know when Dr. Hege received this publication, but it should not be assumed that Dr. Hege received this book on the date of its publication. To the best of

Marathon's knowledge, Dr. Hege has passed on.

INTERROGATORY NO. 85: If your answer to Interrogatory No. 84 is "Yes":

- (a) Identify any and all documents received by Defendant, its predecessor(s), or a related company referring to, relating to or reflecting any findings or results of those studies or tests, and state the date upon which each was first received;
- (b) Identify any and all communications (oral or written), between Defendant, its predecessor(s) or a related company and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;
- (c) Identify any and all documents referring to, relating to or reflecting the Saranac studies received or submitted by Defendant, its predecessor(s) or a related company either directly, through related or predecessor companies, through other companies, or through any trade associations, organizations or other entities; and
- (d) Identify any and all documents referring to, relating to or reflecting recommendations or findings of such studies relating to:
 - (1) Adequacy or inadequacy of threshold limit values;
 - (2) Substitution of materials other than asbestos to be used in the insulation process.

ANSWER:

See response to Interrogatory No. 84.

INTERROGATORY NO. 86: With respect to each subject listed below, state whether said subject was, at any time, discussed at a meeting of the board of directors of Defendant, any predecessor or any related company:

- (a) The health hazards resulting from exposure to asbestos, including, but not limited to, exposure resulting from the use, application or removal of asbestos-containing products;
- (b) The placement or possible placement of warning labels on or near asbestos-

containing products or their packages, or in sales literature, therefore including, but not limited to, the products listed in response to Interrogatory Nos. 19; and

- (c) Any test, survey, study or similar matter concerning asbestos or asbestos-containing products, including, but not limited to, the products listed in response to Interrogatory Nos. 19.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon has electronically searched the minutes of Marathon and the Ohio Oil Corporation. There were no references to a discussion of the matters listed in (a) (b) or (c). Marathon objects to reviewing all related companies that are now dissolved or inactive subsidiaries and affiliates of Marathon, as this information request is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 87: If your answer to any one or more of the subparts of Interrogatory No. 86 is "Yes," then with respect to each subpart for which you answered "Yes":

- (a) Identify each and every board meeting at which said subject was discussed by stating the date(s) on which, and the location(s) at which, each meeting was held;
- (b) Identify any and all persons present at each such meeting; and,
- (c) Identify any and all documents, including, but not limited to, minutes, referring to, relating to, or reflecting each such meeting.

ANSWER:

See response to Interrogatory No. 86.

INTERROGATORY NO. 88: Identify any and all seminars, symposiums, conferences

or like gatherings attended by any officer, agent or representative of Defendant, any predecessor or any related company, at which the subject of asbestos, the health hazards of asbestos exposure, or the placement or providing of warnings was discussed.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, and unduly burdensome. Notwithstanding this objection and without waiving the objection, Marathon does not keep direct records of when or if asbestos, the health hazards of asbestos exposure, or the placement or the providing of warnings were discussed at such gatherings that were attended by employees. To the extent that Marathon has any such records, please see documents produced in response to Request for Production No. 20. Investigation continues.

INTERROGATORY NO. 89: Identify any and all documents, including, but not limited to, notes, reports, minutes or bulletins, which refer to, relate to or reflect any meeting identified in response to Interrogatory No. 88.

ANSWER:

See response to Interrogatory No. 88.

INTERROGATORY NO. 90: Identify any and all documents referring to, relating to or reflecting the purchase, sale, delivery, use, application or ordering, of any of the products listed in response to Interrogatory Nos. 19 for or at Defendant's premises and identify any and all persons known by Defendant to have knowledge concerning the same:

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly

burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Notwithstanding this objection and without waiving the objection, please see documents produced in response to Request for Production No. 4.

INTERROGATORY NO. 91: Identify any and all parties, including, but not limited to, distributors, suppliers or contractors, known by you to have sold, distributed, applied or otherwise made present on Defendant's premises, at any time, any or all of the products listed in response to Interrogatory No. 19.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not specified where, when, or even if Mr. Derby worked at the Robinson Refinery. Notwithstanding this objection and without waiving the objection, please see documents produced in response to Request for Production Nos. 4 and 14.

INTERROGATORY NO. 92: In any lawsuit involving a claim or claims based upon allegations of injury, impairment, disease or death caused by exposure to asbestos from asbestos-containing products, has Defendant been subject to sanctions, a contempt citation or similar action for failing, or refusing to comply with, any court order, for discovery fraud, or for the failure to provide complete, accurate and truthful responses to discovery?

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, overly broad, unduly

burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding this objection and without waiving this objection, to the best of Marathon's knowledge, the answer is no.

INTERROGATORY NO. 93: If your answer to Interrogatory No. 92 is "Yes," with respect to each such occasion described:

- (a) Identify the lawsuit involved, the court which imposed the sanctions or issued the contempt citation, and any other court which reviewed the same;
- (b) Describe the violation for which sanctions or contempt was imposed;
- (c) If the violation involved the failure or refusal to produce any document(s), identify any and all such documents;
- (d) If the violation involved any failure to truthfully answer or to respond to interrogatories, identify any and all such interrogatories and your response thereto, including the person answering on your behalf;
- (e) State the present status or final disposition of the matter, which ever is applicable; and,
- (f) Identify any and all documents referring to, relating to or reflecting said matter, including, but not limited to, pleadings, exhibits and court orders.

ANSWER:

See response to Interrogatory No. 92.

INTERROGATORY NO. 94: Has the Defendant issued any stock or other securities?
if so, please state:

- (a) The date of such issuance;
- (b) The classes and series of stock and other securities;
- (c) The stated value and total paid in capital for each such class and series.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon's stock is not publicly traded. Marathon is 100% owned by Marathon Oil Corporation.

INTERROGATORY NO. 95: Does any person or entity hold any options to acquire stock of the Defendant from the Defendant's "treasury" stock? if so, please describe the nature and details of any such options.

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, Marathon (the Ohio company formed in 1981) does not have any treasury stock. Marathon is 100% owned by Marathon Oil Corporation. Marathon Oil Corporation is a publicly traded stock. Treasury information is listed in the 10K. See documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 96: Has anything been given to any stockholder, member of the board of directors, or officer of the Defendant, or members of their families, other than by way of salary, wages or bonuses, such as, without limitation, retirement or pension benefits, insurance benefits, corporate automobiles or expense accounts, loans or gifts? If so, provide any and all details, such as, without limitation, the name of the person receiving the same, the date,

what was given, the approximate value and whether the Defendant received any consideration for that which was given.

ANSWER:

Marathon on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see Request for Production Number 3.

INTERROGATORY NO. 97: Does the Defendant own and/or maintain any life insurance policies on any stockholders, directors, officers or any other party? If so, for each such policy, please state the name of the insurance company, the policy number, the beneficiary, the anticipated death benefit, the current cash surrender value, and any other pertinent information.

ANSWER:

Marathon objects on the basis that the information requested is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 98: Has Defendant, any predecessor or any related company, ever been cited, warned, fined, or sanctioned for any violation of a federal or state statute, law, rule, ordinance, code, administrative order, executive order, or the like, by any federal, state or local governmental entity, from 1930 to 1980, which violation concerned asbestos in any way?

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 22.

INTERROGATORY NO. 99: If your answer to Interrogatory No. 98 is "Yes," with respect to each such violation:

- (a) Identify the governmental entity issuing the citation, warning, fine, sanction or write-up;
- (b) State the date of the citation, warning, fine, sanction or write-up;
- (c) Describe the violation and state the date(s) during which it occurred;
- (d) Identify the statute, law, rule, ordinance, code or order to which the violation related;
- (e) State what, if any, specific fine, penalty, or sanction was imposed;
- (f) State the date in which and the manner in which said violation was corrected;
- (g) Identify any and all officials of Defendant, its predecessor or its related company having knowledge or notice of said violation and state the date on which said knowledge or notice was received; and,
- (h) Identify any and all documents referring to, relating to or reflecting said violation.

ANSWER:

Please see documents produced in response to Request for Production No. 22.

INTERROGATORY NO. 100: Has any federal or state government entity, during the years 1930 to 1980, conducted any inspection, test or survey concerning asbestos or asbestos exposure at any facility where the products listed in response to Interrogatory No. 19 were

manufactured, processed, applied, used or removed?

ANSWER:

Marathon objects on the basis that the information requested is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 22.

INTERROGATORY NO. 101: If your answer to Interrogatory No. 100 is "Yes," then with respect to each such inspection, test or survey:

- (a) Identify the governmental entity conducting the same;
- (b) State the date(s) on which the same was conducted;
- (c) Describe the nature of the inspection, test or survey including, but not limited to, the results or conclusions thereof; and,
- (d) Identify any and all documents referring to, relating to or reflecting the same.

ANSWER:

Please see documents produced in response to Request for Production No. 22.

INTERROGATORY NO. 102: Are there any policies of insurance which provide, or might provide, coverage on behalf of Defendant, any predecessor or any related company for the injuries alleged in Plaintiff's complaints?

ANSWER:

Marathon objects on the basis that plaintiff has not disclosed with any specificity the time period for which the plaintiff's decedent claims injury on the Robinson Refinery premises.

Notwithstanding this objection, without waiving this objection, and subject to the plaintiff's stipulation and execution of a confidentiality agreement, Marathon will produce a summary of policies for the relevant time period between 1.1.50 and 1.1.85.

INTERROGATORY NO. 103: If your answer to Interrogatory No. 102 is "Yes,"

identify each such policy of insurance as follows:

- (a) Identify the insurer(s);
- (b) Identify the insured(s);
- (c) State the date on which the policy was first purchased and the date on which the policy expired or was terminated;
- (d) Describe the coverage provided, including, but not limited to, the time period over which the policy applied, the nature of the acts, omissions and injuries covered, and whether the policy provides primary or excess coverage; and
- (e) State the dollar limits of the coverage provided, including, if applicable, the "per person" limitations and "per occurrence" limitation.

ANSWER:

See response to Interrogatory No. 102.

INTERROGATORY NO. 104: With respect to each policy described in response to Interrogatory No. 103, state whether any litigation dispute exists between insurer and insured with respect to coverage.

ANSWER:

Marathon does not have any litigation dispute with an insurer save a dispute between Insurer, Claredon, and insured Pennaco, a related company acquired by Marathon in March 2001. The dispute involves D&O coverage as a result of certain shareholders alleging that Pennaco

directors breached their fiduciary duty to adequately market the company.

INTERROGATORY NO. 105: Other than the policies of insurance described in response to Interrogatory No. 103, do there exist any agreements providing for the benefit of Defendant, any predecessor or any related company, complete or partial indemnification for any or all expenses incurred with respect to any or all of these cases, including, but not limited to, judgments, settlements, costs, experts' fees and/or attorneys' fees?

ANSWER:

Yes. Marathon has entered into an agreement modifying the terms of its primary insurance policies between the period 1.1.60-1.1.74.

INTERROGATORY NO. 106: If your answer to Interrogatory No. 105 is "Yes," for each such agreement:

- (a) Identify all parties to the agreement and state the capacity of each such party (i.e. indemnitor, indemnitee, etc.);
- (b) State the terms of the agreement, including the nature of the expenses covered and, if applicable, any limitations on payment, reimbursement or indemnification; and
- (c) Identify any and all documents referring to, relating to or reflecting said agreement.

ANSWER:

Marathon objects on the basis that plaintiff has not disclosed with any specificity the time period for which the plaintiff's decedent claims injury on the Robinson Refinery premises.

Notwithstanding this objection, without waiving this objection, and subject to the plaintiff's

stipulation and execution of a confidentiality agreement, Marathon will produce a summary of the agreement for the relevant time period between 1.1.60-1.1.74.

INTERROGATORY NO. 107: From 1930 to date, state whether Defendant and/or any predecessor or related company ever provided workers' compensation, health, accident and disability and/or life insurance coverage for its employees, and if so:

- (a) State whether such insurance carrier(s) ever conducted any dust counts or studies, industrial hygiene surveys or other tests relating to any asbestos-containing products that Defendant's employees may have been working with or around; and,
- (b) If your response to subpart (a) hereof is in the affirmative, please indicate the date of each such count, study, survey or other test and identify all documents relating thereto.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Marathon further objects to providing any information, which is outside of Marathon's possession or control, subject to the attorney-client privilege, constitutes attorney work product, or otherwise not discoverable under the provisions of the Illinois Rules of Trial Procedure. Notwithstanding this objection and without waiving this objection, investigation continues.

INTERROGATORY NO. 108: Did the Defendant, during the last five years, inclusive, prepare or cause to be prepared a balance sheet, profit and loss statement, financial statement or similar document?

ANSWER:

Marathon objects on the basis that the information requested is immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection—yes. Please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 109: For the statements and periods described in Interrogatory No. 108, did the Defendant employ the services of a Certified Public Accountant? If so, state the name and address of each C.P.A. employed, the period(s) for which they were employed, and a description of all services performed by each C.P.A., including without limitation the preparation of any certified financial statements.

ANSWER:

Marathon objects on the basis that the information requested is immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection—yes. Marathon employs the services of Pricewaterhouse Coopers LLP. PricewaterhouseCoopers LLP is located at 600 Grant Street, Pittsburgh, Pennsylvania 15219-2794. This firm has been employed by Marathon since the late 1980's. Pricewaterhouse Coopers LLP does prepare a certified financial statement for use in the 10K filing to the Security Exchange Commission.

INTERROGATORY NO. 110: Please attach a copy of any financial statement referred to in Interrogatory No. 108 to the answers to interrogatories.

ANSWER:

Marathon objects on the basis that the information requested is immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 111: Has the Defendant created any funds for surplus capital, depreciation, depletion, contingencies, or any other fund? If so, state the name of each of the funds, the date on which each fund was created, and the current amount in each of the funds.

ANSWER:

Marathon objects on the basis that the information requested is immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 112: Has the Defendant prepared any business plans or financial projections related to future operations of the Defendant? If so, please state what statements were prepared, by who were the statements prepared, to whom were the statements distributed or presented, and for what purpose(s) were the statements prepared and/or distributed?

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to

Request for Production No. 3.

INTERROGATORY NO. 113: Identify copies of any plans or financial projections referred to in Interrogatory No. 112.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 114: Do the financial statements for the Defendant for the last five years which are attached to the answers to interrogatories accurately reflect the operating performance of the Defendant in accordance with generally accepted accounting principles consistently applied?

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, the financial statements attached accurately reflect the operating performance of the Defendant in accordance with generally accepted accounting principles. Please see the auditor's statement in the 10K filing to the Security Exchange Commission. In that language, please see the report of independent auditors which indicate the accounting principals utilized. In addition, see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 115: Do any of the financial statements referred to in Interrogatory Nos. 108 and/or 112 contain any extraordinary and/or non-recurring items of income and/or expense? If so, please list each and every such item, a description of its source or cause, an explanation of how it arose and why it is a non-recurring item, its dollar amount, and its effect on the financial statement on which it is presented.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 116: For each source of cash or cash equivalents not reflected in the Defendant's Profit and Loss Statements for the periods referenced in Interrogatory No. 108, please state the source, nature, amounts, and any further relevant details regarding said sources.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 117: For each use of cash or cash equivalents not reflected in the Defendant's Profit and Loss Statements for the periods referenced in Interrogatory No. 108, please state the description, nature, amounts, and any further relevant details regarding said

use. See request for Production No. 3.

ANSWER:

Marathon object on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection, please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 118: For each source or use of funds of the Defendant related to loans or repayment of loans for the periods referenced in Interrogatory No. 108, please provide all details on any such loans which were with related parties or on non-market rate terms.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. See request for Production No. 3.

INTERROGATORY NO. 119: To the extent not previously disclosed in these interrogatories, please detail any and all transactions between the Defendant and any related party for the periods referenced in Interrogatory No. 108.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 120: Do the balance sheets, financial statements, and/or other similar statements for the Defendant for the last five years accurately reflect the assets, liabilities and net worth of the Defendant in accordance with generally accepted accounting principles consistently applied.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection--yes. Please see documents produced in response to Request for Production No. 3.

INTERROGATORY NO. 121: Did the Defendant for the last five years, inclusive, prepare or cause to be prepared, any adjusted financial statements or balance sheets which reflect assets and liabilities as their current Fair Market Value as opposed to their basis for book and/or tax purposes? If so, please provide copies.

ANSWER:

Marathon objects on the basis that the information is immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection--no.

INTERROGATORY NO. 122: Do any of the Defendant's assets or liabilities have a fair market value different than the value reflected on the Defendant's balance sheet, financial statements, or other similar documents provided pursuant to these interrogatories? If so, please

identify all said assets and/or liabilities, their current fair market value, and the means or methodology of determining said market value.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 123: Does the Defendant own or have the right to any patents, copyrights, intangible assets, or other assets which are not reflected on the balance sheets or financial statements referenced herein? If so, please describe details regarding said assets, their value, and how said value was determined.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further Marathon objects to providing any information that is subject to the attorney-client privilege, that evidences or constitutes work product, or that is proprietary and/or a trade secret.

INTERROGATORY NO. 124: Does the Defendant own or have the right to any other property which is currently being held by another party or entity. If so, please provide details for each and every such asset.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, overly broad, unduly

) burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 125: Has the Defendant during the last five years, inclusive, transferred or received any property or asset for less than full market value? If so, please provide details for each and every such transaction.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection and without waiving this objection--no.

) **INTERROGATORY NO. 126:** Is the Defendant involved in any pending litigation, either as plaintiff or defendant, or is the Defendant aware of any other contingent assets or liabilities not previously disclosed herein, which would affect the Defendant's profit and loss, financial statements, balance sheet, or net worth? If so, please provide details for each and every such item.

ANSWER:

Marathon objects on the basis that the information requested is immaterial, irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, Marathon objects to the extent that this information is subject to the attorney-client privilege or the work product privilege.

INTERROGATORY NO. 127: Did the Defendant, during the last five years, inclusive, ever declare and/or pay any cash or stock dividends? If so, please state the date and