PLAINTIFF'S EXHIBIT
K-1922

IL036F.ASB
11/17/94

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF PEORIA

VENETTA KAY JOHNSON, Individually and as Special Administrator of the Estate of Charles E. Johnson, deceased, Plaintiff,	)	
v.	)	No. 93 L 544
OWENS-CORNING FIBERGLAS CORPORATION, et al., Defendants.	)	

DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories apparently occurred more than thirty-five years ago. In addition, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in the asbestos-containing insulation products manufacturing business. It does not now and it has not since that sale manufactured, distributed or sold any of its Kaylo asbestos-containing insulation products. As a result of the foregoing factors, many of the individuals who might have had personal knowledge of the matters to which plaintiffs' interrogatories relate are deceased, or are otherwise unavailable to Owens-Illinois, Inc., and investigations to date indicate that at least some documents which relate to matters inquired about by these interrogatories were transferred to Owens-Corning Fiberglas Corporation with the transfer of the business in question in 1958. Owens-Illinois, Inc. is engaged in a continuing investigation in an attempt to locate, confirm the transfer of, or confirm the absence of, such documents and is also engaged in a continuing investigation into the matters inquired about in

these interrogatories. Unless otherwise stated in an answer to a specific interrogatory, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc. manufactured asbestos-containing Kaylo insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

> This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory in regard to any period of time other than the period during which it engaged in the manufacture and sale of the Kaylo products alleged to be involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

Commencing in 1963 and continuing through 1977, Kimble Glass Company, a unit of Owens-Illinois, Inc., offered for sale gaskets, inserts and spacers as accessory parts intended for use in conjunction with Kimble's conical end glass piping system. Some of these accessory parts contained asbestos as one of their ingredients. These accessory parts were not manufactured by Kimble, but were purchased from other suppliers. From approximately 1966 through 1977, the Kimble Division also offered for sale a field beading kit which included a small plate and a

covering over each of two small hoses. The plate and hose coverings may possibly have contained asbestos, but Owens-Illinois cannot yet confirm the ingredients of these materials based upon its business records presently reviewed. Kimble also sold Glass Lined Reactors manufactured by Schwelm for a period of time presently unknown which incorporated gaskets containing asbestos as one of their ingredients. At the end of 1977, Owens-Illinois transferred its interest in the glass pipe and Schwelm Reactor product lines and related assets to OI/Schott Process Systems, Inc. in exchange for 50% of the stock of the Corporation and, pursuant to a Sales Agreement dated May 24, 1990, sold its interest in OI/Schott Process Systems, Inc. to Schott Corporation. From 1982 through 1985, Kontes Glass Company, a subsidiary of Owens-Illinois during that time period, purchased certain asbestos-containing materials from other manufacturers and incorporated those materials into four of its products. Based upon the information available to Owens-Illinois to date concerning the nature of Plaintiff's claim, it is Owens-Illinois' understanding that the only Owens-Illinois asbestos-containing product to which the Plaintiff alleges exposure is Kaylo. Therefore, Owens-Illinois objects to responding to these interrogatories in regard to the above described asbestos-containing products sold by Kimble Glass Company and Kontes Glass Company on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence and would be burdensome and oppressive. In the event that Owens-Illinois is subsequently informed that the Plaintiff alleges exposure to asbestos-containing products sold by Kimble Glass Company or Kontes Glass Company, Owens-Illinois will supplement these answers to interrogatories within a reasonable time after receiving such notice to the extent that a supplementation is necessary in order to respond to the interrogatories in light of the alleged exposure to asbestos-

containing products sold by either Kimble Glass Company or Kontes Glass Company.

INTERROGATORIES

Q. 1. State the exact name and state of incorporation of the corporation providing the answers to these interrogatories.

A. 1. Owens-Illinois Glass Company was incorporated in the State of Ohio in 1929. Owens-Illinois Glass Company changed its name to Owens-Illinois, Inc. on April 28, 1965. Due to corporate restructuring in 1987, this defendant is now a Delaware corporation. The address of the principal place of business is One SeaGate, Toledo, Ohio 43666.

Q. 2. State the name of the agent or officer who has taken the "reasonable steps to search the 'corporate memory' of the corporation named in answer to the above interrogatory by (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporate agents" as required in **Campen v. Executive House Hotel, Inc.**, 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

A. 2. Howard G. Bruss, Assistant Secretary of Owens-Illinois, Inc., One SeaGate, Toledo, Ohio 43666.

Q. 3. Has anyone obtained from any person a statement (whether oral or written, signed or unsigned) concerning the occurrence involved in this cause of action? If so, state as to each statement:

(a) the name and last known address of the person making the statement;

(b) when, where and by whom the statement was taken;

(c) is there any tangible preservation of the statement, such as a document signed by the person making the statement, a tape-recording, a transcript or a memorandum purporting to reflect what was said?

(d) if your answer to (c) is affirmative, state the name and address of the person having possession of the tangible preservation of the statement.

A. 3. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 4. Has any private firm or company adjustor been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence? If so, state the full name and address of each firm or adjustor.

A. 4. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have

to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 5. Do you have any information regarding Charles Johnson's physical condition other than that information furnished you by Plaintiffs' counsel? If so, state the nature of that information, the name and address of its source, and if documentary in nature, who now has each.

A. 5. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 6. Were any photos taken of the Keystone Steel & Wire plant? If so, state the total number of photos, the date of each photo, and who has each.

A. 6. This defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, seeks information which is not relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. This defendant further objects to this interrogatory in that it seeks information protected by the attorney-client and/or the attorney work-product privilege.

Q. 7. Were you named or covered under any policy of liability insurance, effective on the date of the occurrence, which may be construed to provide coverage for any claim stated in the Complaint? If so, as to each policy, state:

(a) the name of the company;

(b) the policy number;

(c) the effective period;

(d) the maximum liability limits for:

(1) injury to any one person;

(2) aggregate personal injury limits;

(e) what amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available;

(f) whether the carrier denied coverage or tendered a defense under a reservation of rights;

(g) whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage.

A. 7. This defendant objects to this interrogatory on the ground that it seeks irrelevant and immaterial information which is not reasonably calculated to lead to the discovery of admissible evidence. Expressly reserving and without waiving its objections, and subject to them, this defendant states that the issues surrounding its insurance coverage for asbestos claims are complex. Because of disputes over possible insurance coverage, this defendant has engaged in litigation against certain insurance carriers which may provide coverage for asbestos claims. One such lawsuit resulted in a decision of the United States District Court of the District of Columbia in Owens-Illinois, Inc. v. Aetna Casualty and Surety Company, 597 F.Supp. 1515 (D.D.C. 1984).

The litigation between this defendant and Aetna Casualty and Surety Co. has been settled. The terms and conditions of the settlement agreement are confidential, and as a consequence, the parties are precluded from disclosing the terms or contents of the agreement. Litigation with other insurance carriers is ongoing.

Q. 8. Which, if any, of the carriers listed in your answer to the preceding interrogatory are providing a defense to this suit?

A. 8. Refer to objection and answer to Interrogatory No. 7.

Q. 9. Identify those expert witnesses (as defined in Supreme Court Rule 220(a)(1) from whom you may offer opinion testimony at trial, and for each such expert, state:

(a) his name, current address, telephone number, occupation, and employer;

(b) the subject matter on which the expert is expected to testify;

(c) his conclusions and opinions and the basis therefore;

(d) his qualifications, including all formal education subsequent to high school, a history of his employment and the citation to each of his published writings;

(e) the amount paid, or agreed to be paid to him, specifying his hourly rate of compensation;

(f) the name of the first plaintiff, first defendant, the court in which filed, and the cause number for every cause in which such expert has testified, whether at

deposition or trial, and the date of his testimony.

A. 9. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 10. Identify with specificity any documents, objects, and tangible things, as defined in Supreme Court Rule 214, which are or were in the possession of any consulting expert as defined in Supreme Court Rule 220 which do not contain the consulting expert's opinion.

A. 10. This defendant objects to revealing the name of any expert whom it has consulted, except as to employment for testimony at trial and objects to identifying any documents in the possession of said experts on the grounds of: (a) the work product privilege; (b) attorney-client privilege; (c) the interrogatory is overly broad, burdensome and harassing and seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence.

Q. 11. Has Defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

(a) the name and address of the person;

(b) the name of the position he or she held;

(c) the dates during which he or she held the position;

(d) the address of his or her office during the time he or she held the position;

(e) state whether there was a written job description for that position at that time;

(f) if there was a written job description, set forth the words of the description or attach a copy hereto.

A. 11. Charles Shook, M.D., deceased, employed from March 25, 1946 until June 30, 1960 was the Medical Director during the period in which this defendant manufactured, sold or distributed its Kaylo asbestos-containing products. He reported to the Vice President of Corporate Staff, Director of Corporate Personnel.

This defendant's chief medical officer is responsible for assuring and promoting preventive and corrective medical programs, services and practices to protect and preserve employee health and productivity throughout Owens-Illinois, Inc. The individual in this position develops, organizes, introduces and implements pre-employment and periodic examinations as well as new health programs in order to insure the continued well being of defendant's employees in a safe and healthy environment. The person in this position is also responsible for the quality of medical services at Owens-Illinois locations.

Q. 12. Has Defendant ever directed or contributed money toward a study of the effects of asbestos exposure upon the health of some or all of its employees? If so, state the following as to each such study:

(a) the description or title of the study;

(b) the dates during which it was made;

(c) the location or locations of the plants at which the employees were employed;

(d) the number of employees studied;

(e) brief description of the study;

(f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

A. 12. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May, 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge

was that there was a recognized safe exposure level for asbestos dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September, 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

Q. 13. Have there been any studies of the effect of asbestos exposure upon the health of any of Defendant's employees? If so, state:

(a) the description or title of the study;

(b) the dates during which it was made;

(c) the location or locations of the plants at which the employees were employed;

(d) the number of employees studied;

(e) brief description of the study;

(f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

A. 13. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 14. List the name, period of service, and last address known to you of each person who has served as Defendant's Safety Director from 1955 to the present.

A. 14. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. This defendant also objects on the grounds that the term "director of safety" is vague and ambiguous. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory. During the time this defendant was involved in the manufacture, sale and distribution of Kaylo, Willis G. Hazard was its Industrial Hygienist.

Q. 15. List the following information for each claim brought against Defendant by a present or former employee of Defendant or the spouse or child of a deceased such employee alleging a disease or condition of ill-being caused by asbestos:

(a) the name and address of the person alleged to be diseased or in a condition of ill-being;

(b) when the alleged disease or condition of ill-being began;

(c) the circumstances under which the employee is alleged to have come into contact with asbestos;

(d) whether the person is represented by an attorney, and if so, the name and address of his attorney;

(e) the agency where the claim was filed, the docket number of the claim and the date the claim was filed.

A. 15. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. Without waiving the above objection, during the period in which this defendant engaged in the manufacture of its asbestos-containing products, it received no workers' compensation claims for any asbestos-related disease.

Q. 16. List the following information for each claim, not identified in your answer to the preceding interrogatory, brought against Defendant by a present of former

employee of Defendant or the spouse or child of a deceased employee alleging a disease or condition of ill-being caused by asbestos:

(a) the name and address of the person alleged to be diseased or in a condition of ill-being;

(b) when the alleged disease or condition of ill-being began;

(c) the circumstances under which the employee is alleged to have come into contact with asbestos;

(d) whether the person is represented by an attorney, and if so, the name and address of his attorney;

(e) the agency where the claim was filed, the docket number of the claim and the date the claim was filed.

A. 16. Not applicable to this defendant. Refer to objection(s) and answer to Interrogatory No. 15.

Q. 17. List the following information for each claim or report, not identified in your answer to any preceding interrogatory, alleging a disease or condition of ill-beings caused by asbestos or an asbestos containing product sold by Defendant:

(a) the name and address of the person alleged to be diseased or in a condition of ill-being;

(b) when the alleged disease or condition of ill-being began;

(c) the circumstances under which the employee is alleged to have come into contact with asbestos sold by you;

(d) whether the person is represented by an attorney, and if so, the name and address of his attorney;

(e) whether the claim has resulted in a lawsuit against you, and if so, the court where suit was filed, the docket number of the suit, and the date the suit was filed.

A. 17. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 18. List the following information regarding each document (as defined in Supreme Court Rule 201(b)(1) authored by an employee of Defendant in the course of his employment, dealing in whole or in part with the consequences of exposure to asbestos:

(a) name, title or other means of identification of the document;

(b) name, position at time document authored, and current address, position and employer of each author of the document;

(c) date prepared or published;

(d) the name and address of the entity responsible for its publication and/or distribution;

(e) if available in typewritten or printed form, the number of pages.

A. 18. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not

reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 19. When did Defendant first sell asbestos or products containing asbestos?

A. 19. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. Without waiving the above objection, Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" asbestos-containing products in about 1948 and continued such manufacture until about April 30, 1958. This defendant does not now and has not in the past engaged in the mining, milling or selling asbestos.

Q. 20. Does Defendant still sell asbestos or products containing asbestos? If not, when did Defendant stop selling?

A. 20. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. Without waiving the above objection, no. This defendant ceased all involvement in

the manufacture of Kaylo asbestos-containing insulation products in 1958.

Q. 21. List the following information about each different type (as opposed to different sizes of the same type) of asbestos containing building and/or insulation product manufactured or sold by Defendant:

a) brand or trade name;

b) description;

c) uses Defendant recommended of it;

d) asbestos content;

e) dates of manufacturer and/or sale.

A. 21. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Without waiving the above objection:

a) Kaylo

b) This defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, seeks information which is not relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. It believes that Kaylo and Kaylo-20 were premolded, light density

rigid products, and were manufactured in two forms, block and pipe covering. Kaylo roof deck and door core were made of a heavy density material in block form. Kaylo was white or off-white in color, and Kaylo-20 was pinkish in color.

c) The Kaylo asbestos-containing products manufactured by this defendant were intended to be used for industrial high temperature thermal insulation such as pipe covering and block insulation, and to increase fireproofing and fire protection and for insulation through use as a roof deck or fireproof material or door core material.

d) This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Its investigation as to the composition of each such product, including the type of asbestos contained therein (i.e., amosite or chrysotile) and the quantitative percentage of asbestos, is continuing, although this defendant now believes that this defendant's commercially produced asbestos-containing products were hydrous calcium silicates containing between 13% and approximately 20% asbestos. Chrysotile asbestos was the primary type apparently used. Amosite was incorporated to a lesser extent. For some periods of time, light density pipe covering and block insulation contained only chrysotile asbestos. Roof deck and door core contained both chrysotile and amosite asbestos.

e.) Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" asbestos-containing products in about 1948, and began the manufacture of commercial quantities of "Kaylo-20" in or after mid-1955, and continued such manufacture until about April 30, 1958. This defendant's manufacturing plants were located in Berlin, New Jersey and Sayreville, New Jersey. The Berlin plant was in operation from approximately 1943 until on or about April 30, 1958. The

Sayreville plant was in operation from February 1948 until about April 30, 1953.

Q. 22. Did Defendant ever sell, ship, or deliver any asbestos or products containing asbestos to Keystone Steel & Wire Co., Bartonville, Illinois, during the period 1955-1991? If so, state the following as to each sale:

a.) trade name of the product;

b.) date of sale of the product;

c.) description of the product;

d.) uses Defendant recommended for the produce;

e.) asbestos content by percentage of weight of the product;

f.) site(s) at which records reflecting sale of the product are maintained;

A. 22. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Without waiving the above objection, this defendant has found no records indicating that it sold, distributed, or otherwise supplied Kaylo insulation products containing asbestos to Keystone Steel & Wire Co., Bartonville, Illinois.

Q. 23. Did Defendant ever have one or more employees who regularly mixed any asbestos-containing product, packaged any asbestos-containing product, or opened containers into which asbestos-containing products had been placed? If so, state the following as to each such process:

a) the name and address of each location at which the process was conducted, and the inclusive period of years during which the process was conducted at that location.

b) the name and last address known to Defendant of each person who performed the task and the inclusive period of years during which that employee performed the task.

A. 23. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" asbestos-containing products in about 1948, and began the manufacture of commercial quantities of "Kaylo-20" in or after mid-1955, and continued such manufacture until about April 30, 1958. This defendant's manufacturing plants were located in Berlin, New Jersey and Sayreville, New Jersey. The Berlin plant was in operation from approximately 1943 until on or about April

30, 1958. The Sayreville plant was in operation from February 1948 until about April 30, 1953. This defendant objects to further answering this interrogatory on the grounds that it is irrelevant, overly broad, burdensome and oppressive and not related to the litigation at hand.

Q. 24. Has Defendant, at any time since it began selling asbestos or asbestos containing products, issued a warning concerning the consequences of exposure to asbestos, which warning was intended by Defendant to reach those persons who would breath or ingest asbestos or asbestos containing products during their distribution and/or use? If so, state as to each such warning:

(a) the language of the warning;

(b) date first issued or distributed;

(c) date last issued or distributed;

(d) the method of communication or distribution used;

(e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

A. 24. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory. However, it does not appear that any warning concerning asbestos was given in that it does not appear that this defendant had reason to believe that the use of its products would result in a foreseeable risk of harm. Further, this defendant does not now and has not in the past engaged in the mining, milling or selling asbestos.

Q. 25. If your answer to the preceding interrogatory is in the affirmative, state the following as to the first information Defendant received that exposure to asbestos caused disease:

a) the form in which it was received, e.g., orally, in writing;

b) if orally, the name and address of the person from whom received;

c) if the information was received in written form, give the author, title of the document, and date of the document;

d) the name and address of the employee or employees who received the information;

e) briefly describe the information.

A. 25. Refer to answer to Interrogatory No. 24.

Q. 26. If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee who was responsible to investigate whether:

a) the warnings were reaching the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;

b) the warnings were being read by the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;

c) the warnings were being understood by the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;

d) the warnings were being heeded by the persons who were breathing and/or

ingesting the asbestos from the asbestos containing products.

A. 26. Refer to answer to Interrogatory No. 24.

Q. 27. List the following information regarding each worker or group of workers who, as of 1960, had used asbestos containing building or insulation products for 25 years or more and were known by Defendant to be free of asbestos disease:

a) current name and address;

b) location(s) and inclusive dates of asbestos product usage;

c) date(s) of the examination(s) which revealed the worker to be free of asbestos disease.

A. 27. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Without waiving the above objection, not applicable to this defendant. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958.

Q. 28. List the following information regarding each instance where an employee of Defendant testified (at deposition or trial) in asbestos disease litigation:

a) name of employee;

b) date and place testimony was given;

c) first named plaintiff and defendant, case number and court in which pending;

d) name and address of reporter;

e) whether you have a transcript of the testimony.

A. 28. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. This defendant is aware that the following present or former employees have testified at trial or by deposition in asbestos-related litigation:

Edward C. Ames: 10/8/79, 1/10/80, 2/12/81, 3/26/81 and 10/7/81.

Robert Grim: 9/6 & 7/84 (trial), 10/11/84 (trial), 7/1/87 (trial), 12/12/90 (trial), 1/31/91 (trial), 10/23/91 (trial), and 1/13/92 (trial).

Richard L. Grimmie: 7/10/79, 10/24/79 (trial), and 10/29/79 (trial).

David Innis: 9/27/83.

William Justice: 7/11/79 and 5/3/82.

John Pershing: 7/26/79.

John Rhoads: 7/11/79.

June Welser: 7/11/79.

Everett Shuman: 4/26/79, 6/12/79, 7/15/80, 8/19/80, and 3/4/81.

Willis G. Hazard: 2/11/81, 3/27/81, 12/14/81, and 1/27/82.

Howard G. Bruss, Esq.: 6/29/93.

David Van Hooser: 8/11/93 (trial)

Michael E. McConnell, Esq.: 2/24/89 and 10/25/90.

Richard R. Beck: 4/1/81.

Samuel F. Schillaci: 4/7/81, 7/31/81 (trial), 11/9/81 (trial), 11/17/81 (trial), 4/26-27/82, 6/4/84, 8/28/84, 9/6/84, 11/14/84, 2/5/85, 3/4/85 (trial), 4/30/85, 12/19/85 (trial), 10/8/86, 4/10/87 (trial), 6/25/87 (trial), 11/4/87 (trial), 1/20/88, 9/20/88 (trial), 10/15/88 (trial), 11/14/88 (trial), 11/22/88 (trial), 11/29/88 (trial), 12/8/88 (trial), 12/15/88 (trial), 3/14/89, 3/21/89, 3/28/89 (trial), 5/9/89 (trial), 6/15/89, 6/30/89 (trial), 7/7/89 (trial), 7/27/89, 8/18/89 (trial), 11/2/89 (trial), 11/6/89, 11/16/89 (trial), 11/17/89 (trial), 1/9/90 (trial), 1/31/90 (trial), 2/23/90 (trial), 3/14/90, 4/17-18/90, 4/24/90, 5/16/90 (trial), 5/24/90 (trial), 5/30/90 (trial), 6/8/90 (trial), 6/12/90 (trial), 6/20/90 (trial), 6/21/90 (trial), 6/29/90 (trial), 7/17/90 (trial), 7/19/90 (trial), 8/30/90 (trial), 10/11/90 (trial), 10/17/90, 11/20/90 (trial), 11/28/90 (trial), 12/11/90 (trial), 12/19/90 (trial), 1/24/91 (trial), 2/1/91 (trial), 2/22/91 (trial), 2/27/91, 3/8/91 (trial), 4/25/91 (trial), 4/26/91 (trial), 5/20/91 (trial), 6/13/91 (trial), 8/2/91 (trial), 8/8/91 (trial), 9/30/91 (trial), 10/8/91 (trial), 10/25/91 (trial), 10/30/91 (trial), 10/31/91 (trial), 11/4/91 (trial), 11/7/91 (trial), 11/13/91 (trial), 1/23/92 (trial), 1/28-29/92 (trial), 2/24/92 (trial), 12/15/92 (trial), 3/11/93 (trial), 3/12/93 (trial), 3/19/93 (trial), 5/21/93 (trial), 8/16/93 (trial), and 2/2/94 (trial).

George N. Bates, M.D.: 4/6/81.

Thomas A. Meehan, Esq.: 8/3/81 (trial), 11/9/81 (trial), 12/15/83, 1/16/84, 8/28/84, 6/4/84, and 11/13/84.

Effective April 30, 1958, this defendant sold its asbestos-containing product manufacturing division to Owens-Corning Fiberglas Corporation. At that time certain employees who worked in the division, some of whom are mentioned above,

transferred to Owens-Corning Fiberglas Corporation. These individuals have been deposed with regard to asbestos-related litigation involving Owens-Corning Fiberglas Corporation.

This defendant objects to the production of copies of the transcripts or providing further information about these depositions on the basis that said transcripts are filed with various courts around the country, they are therefore matters of public record, and therefore plaintiffs have equal access to such documents and the information they contain. Defendant reserves the right to advance additional arguments against the production of such documents if and when plaintiffs file a request for production.

Q. 29. List the following information regarding each instance where an individual whom you had listed, retained or called as an expert witness testified (at deposition or trial) in asbestos disease litigation:

(a) name of employee;

(b) date and place testimony was given;

(c) first named plaintiff and defendant, case number and court in which pending;

(d) name and address of reporter;

(e) whether you have a transcript of the testimony.

A. 29. This defendant objects to revealing the name of any expert whom it has consulted, except as to employment for testimony at trial on the grounds of: (a) the work product privilege; (b) attorney-client privilege; (c) the interrogatory seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence. This defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, seeks information which is not

relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence.

Q. 30. List the name and address of all international unions and local unions which have represented employees of Defendant while the employees were using asbestos containing product or were being exposed to asbestos, and indicate the address of the plant or group of employees represented and the date of such representation.

A. 30. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. This defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of its Kaylo asbestos-containing products in 1958. Not applicable to this defendant. This defendant has never formed nor maintained a group or groups known as "contract units," such "contract units" being a division or group within or maintained by the corporation which, inter alia, engaged in the actual installation of insulation products containing asbestos at job sites.

Q. 31. Did any of the unions listed in your answer to the previous interrogatory ever instruct, advise or caution your employees on the safe handling of asbestos or precautions to be taken when working in airborne asbestos?

If so, please state for each instruction, advice or warning:

a) the name and address of the union and person instructing, advising or warning your employees;

b) the method and content of the instruction, advice or warning;

c) the dates of the instruction, advice or warning;

d) whether the union ever promulgated, recommended or bargained for any regulations, standards or guidelines concerning the safe handling of asbestos or precautions to be taken when working in airborne asbestos.

A. 31 Refer to objection and answer to Interrogatory No. 30.

Q. 32. Did Defendant ever suggest or recommend that persons using or exposed to the dust from Defendant's asbestos containing products might or should use any device to reduce exposure to, or inhalation of, asbestos dust or fibers? If so, please state for each and every such suggestion or recommendation:

a) date, time and place when each such suggestion or recommendation was made;

b) identify each person present when such suggestion or recommendation was made to or received by Plaintiff;

c) identify each person receiving same or similar suggestion or recommendation;

e) whether such suggestions or recommendation was written or oral, and

1) if written, please identify in detail each such writing;

2) if oral, identify all persons involved and details as to the manner in which each such suggestion or recommendation was presented;

f) type, make and model of each device referred to in each such suggestion or recommendation. (Source: GAF'S Int. 58 in Reed, 83 L 68).

A. 32. This defendant objects to this interrogatory on the basis that the phrase "persons using or exposed" is vague, ambiguous, overly broad as not limited to end users, seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its Kaylo asbestos-containing products. Without waiving the above objection, this defendant states that during the time it was involved in the Kaylo asbestos-containing products business, the state of scientific and medical art was to the effect that there was a safe level of asbestos to which a person could be exposed without risk of injury and to the effect that persons such as plaintiffs were not exposed to excessive amounts of asbestos. Therefore, this defendant had no reason to believe that the use of its product would result in a foreseeable risk of harm. This defendant has not engaged in sufficient Discovery to further answer this interrogatory. This defendant reserves the right to further respond to this interrogatory at any time in the future.

Q. 33. List the name and present address of all persons who have been a director in Defendant from the date of its incorporation to the present and list the dates during which the person was a director.

A. 33. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Q. 34. List the name and current address of each person who has held any of the following offices in Defendant from the date of its incorporation to the present and also list the office held and the inclusive date during which the office was held: President; Vice-President; Secretary; and Treasurer.

A. 34. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Q. 35. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to when, how or why the occurrence described in the Complaint took place.

A. 35. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 36. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to the nature and extent of Plaintiff's loss.

A. 36. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the grounds that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 37. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to the nature and extent of Charles Johnson's injury.

A. 37. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the grounds that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF WOOD)

H. G. BRUSS, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

H. G. BRUSS

SWORN TO and subscribed before me this 21st day of November, 1994

My Commission Expires: January 4th, 1996

SEAL

Mary Janet Crawford

Notary Public

MARY JANET CRAWFORD
Notary Public, State of Ohio
My Commission Expires 1-4-96

Sandra C. Antczak
(312) 258-4501

November 22, 1994

Mr. Dean Engelbrecht
James Walker, Ltd.
207 W. Jefferson Street
Bloomington, Illinois 61702-3455

Re: Johnson, et al. v. Owens-Illinois, Inc., et al.

Dear Mr. Engelbrecht:

Enclosed please find Defendant, Owens-Illinois, Inc.'s Answers to Plaintiffs' First Set of Interrogatories and Defendant, Owens-Illinois, Inc.'s Responses to Plaintiffs' First Request for Discovery from Defendant, Owens-Illinois, Inc. By copy of this letter, I am serving said pleadings upon counsel of record on the attached service list.

Sincerely,

Sandra C. Antczak
Litigation Administrator

SCA/cdp
Enclosures

cc: All Counsel of Record
Jay Tambe