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STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

DONALD A. HENES, and
MARY O. HENES,

Plaintiffs,

vs.

OWENS-ILLINOIS, INC.

Defendants.

CASE NO. 85-CV2469

NATIONAL GYPSUM COMPANY'S RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

National Gypsum Company ("National Gypsum") responds to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS

Defendant National Gypsum objects to any interrogatory or instruction that purports to impose upon defendant any obligation not expressly set forth in the Wisconsin Rules of Civil Procedure. In particular, National Gypsum objects to the definition of the terms "you" or "your" on the ground that they are vague and overbroad, and render the interrogatories unduly burdensome and overbroad. Defendant National Gypsum also objects to these interrogatories to the extent that they seek privileged or work product information developed in anticipation of litigation or preparation for trial.

Plaintiff alleges that he was exposed to asbestos piping, rolls and cement while cleaning and dismantling furnaces from 1947-1949. He also alleges possible exposure to asbestos while attending high school and while stationed at various



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26. Identify all trade organizations, associations, or other entities to which you have belonged or in which you have participated since 1940.

RESPONSE: See Attachment 13.

27. Identify all persons attending on your behalf any meetings held by trade organizations, associations or other entities identified in answer to Interrogatory No. 26.

RESPONSE: See Attachment 14.

28. Identify the names or nature of all notes, reports, studies, or other writings discussing asbestos-related hazards submitted by you or received by you at meetings identified in answer to Interrogatory No. 27.

RESPONSE: See Attachments 3 and 13.

29. Identify any documents received by you from or submitted by you to those trade organizations, associations or other entities identified in answer to Interrogatory No. 26 relating to the relationship between asbestos exposure and disease.

RESPONSE: See response to Interrogatory No. 28.

30. Identify all agreements, oral or written, between you, any of the other defendants in this lawsuit, and/or any other organizations, associations or other entities identified in your answer to the preceding interrogatory 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 packing, 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.

RESPONSE: National Gypsum objects to this interrogatory on the grounds that it is vague, overbroad and

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witness or otherwise utilize in connection with this litigation;

(b) Any co-worker of plaintiff whom you have interviewed or intend to call as a witness in this litigation.

RESPONSE: National Gypsum does not yet know what expert witnesses or co-workers it may call at trial in this case. Further information may be available from National Gypsum's local counsel.

52. If plaintiff was ever employed by answering defendant or worked on a job contracted by answering defendant:

(a) Identify any work records, employment records or job records with respect thereto;

(b) Identify any invoices, purchase orders or other documents evidencing the use of a product manufactured by defendant on said job(s);

(c) If answering defendant cannot identify documents as to 52a, and 52b, above, confirm or deny the existence and use of defendant's products during the relevant time period;

(d) Identify any products not manufactured by, but relabelled or otherwise altered by defendant and used on said job(s).

RESPONSE: Not applicable.

Respectfully Submitted,

FOLEY & LARDNER

By: Trevor J. Will

Trevor J. Will
First Wisconsin Center
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Attorney for Defendant
National Gypsum Company

PLAINTIFF'S EXHIBIT

STATE OF NORTH CAROLINA :
ss.
COUNTY OF MECKLENBURG :

ROBERT E. OBERKIRCHER, being duly sworn, deposes and says that he is an Assistant Controller of Gold Bond Building Products, a Division of National Gypsum Company; that he is authorized to make this affidavit; that he has read the foregoing answers to interrogatories and knows the contents thereof; and that they are true to the best of his knowledge, information and belief.

Robert E. Oberkircher
Assistant Controller
Gold Bond Building Products Division
National Gypsum Company

Sworn to and subscribed before me this 10 day of December 1986.

Notary Public

My Commission Expires:
My Commission Expires July 12, 1989

PLAINTIFF'S EXHIBIT

ATTACHMENT 13 TO ANSWERS TO INTERROGATORIES

National Gypsum provides the following information with respect to its membership in trade associations that may have some connection with asbestos or asbestos-containing products:

National Gypsum became an associate member of the Asbestos Textile Institute in September, 1959, and resigned its membership on December 6, 1962. To National Gypsum's knowledge, it did not have a representative on the Air Hygiene Committee of the Asbestos Textile Institute, nor did any representative of National Gypsum attend any of its meetings.

National Gypsum was a member of the Asbestos Cement Products Association, New York, New York, from sometime in the 1950's until the early 1970's.

National Gypsum was a member of the Gypsum Drywall Contractors' International from 1962-1975.

National Asbestos Mines, Ltd., a subsidiary of National Gypsum's wholly owned Canadian subsidiary, was a member of the Quebec Asbestos Mining Association from 1958 to the early 1970's.

National Gypsum's membership in the Asbestos Information Association/North America, 1745 Jefferson Davis Highway, Arlington, Virginia, began in 1970 and was terminated as of December 31, 1982.

National Gypsum is a member of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.



National Gypsum's Gold Bond Division is currently a member of the Gypsum Association. National Gypsum became a member of the Association in April, 1930.

Several employees of National Gypsum in Buffalo, New York have been individual members of the Buffalo chapter of the American Industrial Hygiene Association since 1973, and one of National Gypsum's employees became an individual member of the North American Industrial Hygiene Association in 1980.

At one time, National Gypsum may have had some association with the National Mineral Wool Association.

National Gypsum was a member of the Acoustical Materials Association (1938-1969), the Acoustical Materials and Insulating Association (1969-1972), and the American Board Products Association (1972-1975).

National Gypsum has been a member of the Safe Building Alliance since 1984.

Documents, including minutes, pertaining to one or more of the above associations, to the extent that they are in National Gypsum's possession, are available for inspection and copying at the Gold Bond Building Products Division facilities in Charlotte, North Carolina.

To National Gypsum's knowledge, it has never belonged to, or been an associate or correspondent of, the Asbestos International Association, the Asbestos Research Council of England, the American Textile Institute, the American Health Foundation, the Industrial Health Foundation, the Industrial



Hygiene Foundation, the National Insulation Manufacturers' Association, the Thermal Insulation Manufacturers' Association, Sprayed Mineral Fiber Manufacturers Association, or the National Insulation Contractors' Association. To National Gypsum's knowledge, it did not receive minutes or publications from any of these organizations, make any requests of any of these organizations, or subscribe to the services of any of these organizations.