

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

PLAINTIFF'S EXHIBIT

KG-169

DWIGHT BAKER, and BESSIE BAKER,

Plaintiffs,

v.

ALLIED MANUFACTURING CO., et al.,

Defendants.

Case No. 02CV202691

Division 11

**DEFENDANT KAISER GYPSUM COMPANY, INC.'S
RESPONSES TO PLAINTIFF'S REQUEST TO PRODUCE
PRELIMINARY STATEMENT & GENERAL OBJECTIONS**

Kaiser Gypsum Company, Inc. (hereinafter "Kaiser Gypsum") hereby responds to Plaintiff's Request for Production.

Kaiser Gypsum was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Therefore, Kaiser Gypsum's responses are based on its on-going review of documents presently available. In responding Kaiser Gypsum has been furnished with such information as is presently available and these responses are based upon facts known or believed to be true by Kaiser Gypsum at the time. The information sought by plaintiff in this production request involves events that occurred many years prior and is, therefore, difficult or impossible to secure or reconstruct.

Kaiser Gypsum has not yet completed investigating the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. All responses contained herein are based only upon such information and documents which are presently available to and specifically known to Kaiser Gypsum. It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all

of which may lead to additions to, changes in, and variations from the responses herein set forth.

Plaintiff herein alleges injuries resulting from exposure to asbestos-containing products over an extended period of time. Therefore, Kaiser Gypsum's answers are limited by time and place. First, these responses are limited to the time periods in which Kaiser Gypsum produced products that contained chrysotile asbestos as a component ingredient and are in no way meant to encompass those portions of the employment history of the plaintiff during which time Kaiser Gypsum did not produce products that contained chrysotile asbestos as a component ingredient. Second, these responses are limited to those products that contained chrysotile asbestos as a component ingredient manufactured by Kaiser Gypsum that plaintiff alleges exposure to and are in no way meant to encompass all products manufactured by Kaiser Gypsum that contained chrysotile asbestos as a component ingredient.

Kaiser Gypsum objects to the entire request to produce to the extent they seek to impose obligations greater than those required under Missouri law. This response is in accordance only with the express requirements of Missouri law.

Kaiser Gypsum objects to all of plaintiff Dwight Baker's requests as overbroad, unduly burdensome, vague and ambiguous. *Dwight Baker v. Allied Manufacturing*, Case No. 02-CV202602 is the only lawsuit in the State of Missouri in which Kaiser Gypsum is a named defendant. The overbroad, unduly burdensome, vague and ambiguous nature of plaintiff's requests is further emphasized by the fact that on August 7, 2002, Dwight Baker testified, under oath in the matter of *Adams v. Allied Manufacturing*, Case No. 99CV220517, that he did not have any exposure to Kaiser Gypsum.

Kaiser Gypsum reserves the right to introduce at trial evidence which is presently unknown and/or is discovered subsequent to the date of these responses and reserves the right to

amend or supplement these responses without motion at any time. All responses below are subject to the general objections set out above, without waiving same, and are given without prejudice to Kaiser Gypsum's right to produce evidence of any subsequently discovered facts. These general objections are incorporated by reference into each of Plaintiff's Requests.

1. All catalogs, brochures, sales literature, pamphlets, loose-leaf binders, or inventory data sheets, or papers which depict, describe or list each asbestos product manufactured or produced by you or your predecessor corporations.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: The plaintiff's interrogatories identify joint compound. Defendant objects to producing any information regarding products other than joint compound. Produced are labels and labeling information for joint compound products. Investigation continues as to other labels and information on joint compound.

2. All photographs, drawings, sketches, reprints, or other pictorial representations of the containers of each asbestos product manufactured by you or your predecessor corporation.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: See response to No 1 above as if fully incorporated herein.

3. All photographs, drawings, sketches, reprints, printer plates, or other pictorial representations of the logos and writings appearing on each asbestos product manufactured or produced by you or your predecessor corporation.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: See response to No 1 above as if fully incorporated herein.

4. All records, correspondence, invoices, contracts, memoranda, billings and other documents, or other writings which show:

- (a) The job sites where defendant corporation delivered asbestos products in Missouri and Kansas, including the data those products were delivered and the volume or amount and type of product delivered;
- (b) The companies in these states to whom defendant sold or delivered asbestos products, including the volume or amount, the date of sale, and the type of product;
- (c) All the job sites in these states where insulation work was performed by defendant; and
- (d) Any deliveries of asbestos products to these states not already mentioned.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Since the plaintiff's interrogatories state he was exposed in Florida and because Plaintiff has not identified any job sites in Missouri or Kansas, this request is not likely to lead to the discovery of admissible evidence.

5. All correspondence, memoranda, notes or minutes of meetings, inter- or intra-company directives or writings from this defendant or its predecessor corporation or contracting division which discuss or mention the need or advisability of placing warnings on the containers of asbestos products which warnings concern the possible dangers to persons using the products.

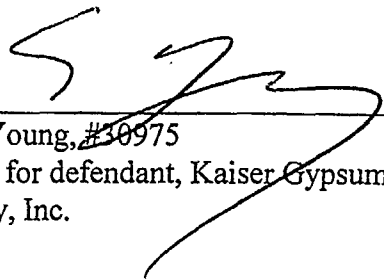
RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: Defendant has already produced the "Burns" documents which contain information on this topic. Discovery and investigation is continuing and ongoing.

6. All workers' compensation files of employees of this defendant or its contracting divisions, subsidiaries or predecessor corporations, who have made a claim that he or she had contracted an asbestos-related disease or disability.

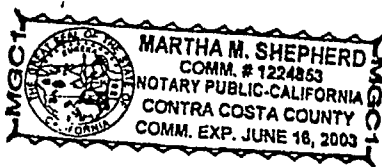
DUNHAM, BOMAN & LESKERA

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RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum did not have any such claims prior to the plaintiff's alleged exposure to product manufactured by Kaiser Gypsum, 1973.

7. All patents or applications for patents held by you or your predecessor corporations which involve or relate to asbestos-free insulation products.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: Since Kaiser Gypsum did not manufacture "insulation products," this request is not likely to lead to the discovery of admissible evidence.

8. All claim files, other than workers' compensation files, or individuals who made a claim against this defendant or its contracting divisions, subsidiaries, or predecessor corporations, which stated a claim for an asbestos-related disease or disability.

RESPONSE:

Kaiser Gypsum objects this request as overbroad, vague, ambiguous and unduly burdensome. Without waiving these objections, Kaiser Gypsum states: See response to request No. 6 above as if fully incorporated herein.

9. All documents, including correspondence, notes, memos, intra- and inter-office correspondence, between you and any other asbestos manufacturer, or any person, firm, association or corporation, regarding the potential hazards of asbestos products, and means to minimize the hazards.

RESPONSE:

See response to # 5 above as if fully incorporated herein.