

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BARBARA J. RHOTON, INDIVIDUALLY,
AND AS PERSONAL REPRESENTATIVE
OF THE HEIRS AND ESTATE OF LENNY
DALE RHOTON, SR., DECEASED,

Plaintiffs,

-VS-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

CASE NO. 434065

(JUDGE HARRY A. HANNA)

DEFENDANT, ASBESTOS CORPORATION LTD.'S, RESPONSE TO
PLAINTIFF'S SET OF INTERROGATORIES

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

The responses to the Plaintiffs' Interrogatories directed to defendants set forth herein are subject to, and without in any way, waiving or intending to waive: (a) All questions as to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, of any of the information set forth in the responses herein, in any subsequent proceeding in, or the trial of, this action or any other actions; and (b) the right to object to other discovery procedures involving or related to the subject matter of the responses set forth herein.

The defendant, Asbestos Corporation Ltd., objects to all questions and requests for production of documents which refer or relate to documents on the grounds that the defendant, Asbestos Corporation Ltd., is prohibited from disclosing such information by the requirements of the Quebec Business Concerns Records Act, Chapter D-12 of the Revised Statutes of Quebec

(1977). (Hereinafter, QBCRA). Further, the defendant, Asbestos Corporation Ltd., objects to all questions which refer or relate to documents on the grounds that such requests require the defendant to locate and segregate an indefinite number of documents which is unduly burdensome.

The defendant, Asbestos Corporation Ltd., objects to each question and request for documents to the extent that it requests the disclosure of information or documents incorporating or containing information which is protected by the attorney/client privilege, the work product privilege or other privileges, or which is material prepared in anticipation of litigation or for trial within the meaning of the Ohio Rules of Civil Procedure, upon the ground that privileged matter is exempt from discovery, and trial preparation materials may only be discoverable upon the terms set forth in Rule 26(B)(3) and (4) of the Ohio Rules of Civil Procedure.

The defendant, Asbestos Corporation Ltd., objects to each question and request for production of documents to the extent that it seeks the disclosure of information, documents or data which is beyond the permissible scope of Rule 26(B)(1) of the Ohio Rules of Civil Procedure as being irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

The defendant, Asbestos Corporation Ltd., objects to each question and request for production of documents to the extent that it is vague, ambiguous, confusing or overbroad and otherwise lacks sufficient precision or particularity to permit formation of a response.

The defendant, Asbestos Corporation Ltd., objects to each question and document request to the extent that it calls for a response, identification of documents or other action by this defendant relating to any product or fiber of any defendant other than this defendant; relating to any occupation or category of employment in which plaintiff alleges he was a member, or calls for a response.

identification of documents or other action by the defendant beyond that required by Rule 33 of the Ohio Rules of Civil Procedure.

The defendant, Asbestos Corporation Ltd., objects to each question and document request to the extent that it requests the defendant to respond on behalf of any entity other than this defendant, and to the extent that it seeks information or documents from or with respect to other entities, which information is not available to this defendant and which documents are not within the possession, custody or control of this defendant, upon the grounds that such request exceeds the permissible scope of discovery under Rules 33 of the Ohio Rules of Civil Procedure.

The defendant, Asbestos Corporation Ltd., objects to each question and document request on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it requests specific information regarding asbestos fiber and/or types and brand names of products which have not been identified by the plaintiffs as those they were exposed to. Furthermore, the dates relevant to this action are confined to the time period in which the plaintiffs claim exposure to this defendant's asbestos. These time periods have not yet been totally provided to this defendant.

Furthermore, Asbestos Corporation Ltd. objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories and requests, on the basis that the definitions are overbroad, vague and often inconsistent with the normal usage and meaning of such words, and the instructions are overbroad, burdensome and constitute an unreasonable expansion of the interrogatories and requests themselves. Asbestos Corporation Ltd. therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiffs, and instead shall answer the interrogatories and requests in a manner consistent with a normal

understanding of the language used in the answer and to the extent necessary to fairly and fully answer the interrogatories and requests.

Without waiving any of these objections, the defendant herein responds as follows:

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER:

Richard Dufour, 840 Ouellet Blvd. West, Thetford Mines, Quebec, Canada G6G 7A5; legal counsel for Asbestos Corporation Ltd. since 1992.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER:

Not applicable. See defendant's responses to these Interrogatories.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

Yes. Asbestos Corporation Ltd., (hereinafter "ACL"), was incorporated in Canada in 1925. It's principal place of business is located at 840 Oullet Blvd. West, Thetford Mines, Quebec, Canada G6G 7A5. ACL has no registered agent for service in the State of Ohio. It has never been licensed to do business in Ohio, owned any real property in Ohio or received any income in Ohio.

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos-related risks, then please state the following as to each acquisition:
- (b) the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (c) the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;
- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;

- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, from 1925 to 1986, ACL has mined and milled raw chrysotile asbestos fiber, which is not a product, and which was sold F.O.B. Thetford Mines, Quebec, Canada. ACL has also previously been known as Societee Asbestos Limitee. In 1964, ACL acquired some assets of Johnson's Company, Ltd., a chrysotile mining operation located in Quebec, Canada.

4. Please state whether or not Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (b) the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity;

- (g) whether the acquisition concerned asbestos-containing products.

ANSWER:

See defendant's Response to Interrogatory No. 3, which is incorporated by reference herein.

4.1 For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos-containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand or trade name;
- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory to the extent that it seeks a legal opinion and/or conclusion. Subject to and without waiving said objections, not applicable to answering defendant.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - (1) The trade or brand name.
 - (2) Its identification number (model, serial number, etc.).
 - (3) The time period it was manufactured, mined, marketed, distributed or sold.
 - (4) Its physical description including color, general composition, and form.
 - (5) A detailed description of its intended use and purpose.
 - (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - (7) The percent of asbestos which it contained.
 - (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;

- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this Interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Subject to and without waiving said objections, from 1925 to 1986, ACL mined and milled raw chrysotile asbestos fiber only, which is not a product, and which was sold F.O.B. Thetford Mines, Quebec, Canada. Raw chrysotile asbestos fiber is a hydrous magnesium silicate (H^4, Mg^3, Si^2, O^2) and is generally white or off-white in color. There are literally thousands of uses for raw chrysotile asbestos fiber and ACL's fiber was sold to sophisticated purchasers and/or users. ACL's fiber was packaged in plastic polyethylene or paper bags. Prior to the use of paper and/or plastic bags, jute bags were used. The bags bore the printed name of the company and a statement of weight, fiber grade and the initials of the mine from which it was obtained.

ACL labeled packages containing its raw asbestos fiber with the words:

Caution
Contains Asbestos Fibre
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

This label has been prescribed for use by the U.S. Department of Labor, Occupational Safety and Health Administration pursuant to 29 C.F.R. §1910.1001. It was promulgated in 1972. Prior to that time and commencing in January, 1970, Asbestos Corporation Ltd. labeled bags of raw asbestos fiber with the notice:

Caution - This bag contains chrysotile asbestos fibre. Persons exposed to this material should use adequate protective devices as inhalation of this material over long periods may be harmful.

In 1980, the following wording was put on the bags:

WARNING
Contains Asbestos Fibre

**Avoid Creating Dust
Breathing Asbestos Dust May Cause Cancer
And Other Fatal Diseases
Smoking Greatly Increases The
Lung Cancer Risk**

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

ANSWER:

No.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER:

No. See Response to Interrogatory No. 5, which is incorporated by reference herein.

8. Have any of the asbestos-containing products listed in Response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business?

If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER:

Not applicable to answering defendant, which had no asbestos-containing products. All of ACL's raw chrysotile asbestos fiber, which is not a product, was sold F.O.B, Thetford Mines, Quebec, Canada. By way of further response, see defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

8.01 Has Defendant ever purchased asbestos-containing products from any other Defendant?

ANSWER:

No.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant from whom this Defendant purchased any asbestos-containing product;
- (b) list each product purchased from each co-Defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-Defendant.

ANSWER:

Not applicable.

8.03 Has Defendant ever sold asbestos-containing products to any other Defendant?

ANSWER:

No.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant to whom this Defendant sold any asbestos-containing product;
- (b) list each product sold to each co-Defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-Defendant.

ANSWER:

Not applicable.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930? If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of Defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;

- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

No.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;

- (f) identify all documents relating the marketing or distribution.

ANSWER:

No.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in Response to Interrogatory No. 5 were used at any of the sites listed on Exhibit "A", attached hereto? If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER:

No.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold those products listed in Response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit "A":

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Identify all documents relating to the sales to each such company.

ANSWER:

Not applicable. None of answering defendant's raw chrysotile asbestos fiber was sold to any of plaintiff's jobsites listed on Exhibit "A".

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in Response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this Interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Subject to and without waiving said objections, see defendant's Response to Interrogatory Nos. 5 and 8.2, which are incorporated by reference herein.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER:

No. See Response to Interrogatory No. 8.2, which is incorporated by reference herein.

9. Did Defendant or any of Defendant's distributors, as listed in Response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

No. See Response to Interrogatory Nos. 8.1, 8.2 and 8.3, which are incorporated by reference herein.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

Not applicable to answering defendant which had no such personnel.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER:

No.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER:

No.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER:

Not applicable to answering defendant, which had no such plants or products. By way of further response, see Response to Interrogatory No. 5, which is incorporated by reference herein.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER:

No.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear-out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear-out performed;

- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

No.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER:

No.

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

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

15. As to each product listed in Response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Objection; vague, ambiguous and unintelligible. Further, not applicable to answering defendant. Subject to and without waiving said objections, unknown. See Response to Interrogatory No. 5, which is incorporated by reference herein.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by

reference herein.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;

- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

ANSWER:

Not applicable to answering defendant, which had no asbestos containing products. See Response to Interrogatory No. 5, which is incorporated by reference herein. By way of further response, as a mining corporation, ACL did not engage in medical or scientific research, compile information on the diseases of mankind, or form opinions as to the possible causal relationships regarding those diseases. Such activities are properly within the province of expert medical and/or scientific opinion, based upon the facts and circumstances of each individual case.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER:

Not applicable. See defendant's Response to Interrogatory Nos. 5 and 22 above, which are incorporated by reference herein. By way of further response, since raw asbestos fiber is not a product, but rather one of several ingredients used in the manufacture of a product by others, it would not be possible for ACL to conduct such tests on said products.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators,

fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER:

See defendant's Response to Interrogatory Nos. 22 and 23 above, which are incorporated by reference herein.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

ANSWER:

Objection; overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Subject to and without waiving said objections, at some point in time ACL became aware that there can be an association between prolonged occupational exposure to certain types of asbestos fiber and the development of certain conditions. However, as a mining corporation, ACL did not engage in medical or scientific research, compile information on the diseases of mankind, or form opinions as to the possible causal relationships regarding those diseases. Such activities are properly within the province of expert medical and/or scientific opinion, based upon the facts and circumstances of each individual case. Further, as a corporation ACL can only act by and through the persons who comprise the organization. It is impossible to determine who knew what and when, and to further attribute such knowledge to the corporate entity.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER:

Objection. Defendant objects to this Interrogatory to the extent that it seeks medical and/or scientific opinion testimony. Subject to and without waiving said objection, see Response to Interrogatory No. 25, which is incorporated by reference herein.

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

ANSWER:

Not applicable to answering defendant, which had no such employees.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER:

Not applicable to answering defendant, which had no such employees.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

No.

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

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, see list of various publications to which ACL has subscribed in the past, attached hereto as Exhibit "A."

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER:

Not to the best of answering defendant's knowledge, information and belief.

30.2 Has Defendant, or any engineer, industrial hygienist or physician in Defendant's employ, been a member in any professional group, trade group or any of the following groups:

American Ceramics Society
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- (a) The name of the group or groups in which Defendant or individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER:

ACL was, at one time, a member of the Quebec Asbestos Mining Association ("QAMA") and an associate, non-voting member of the Asbestos Textile Institute ("ATI"). The exact dates of membership are unknown.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed

while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER:

Objection; vague, ambiguous, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Additionally, it is not applicable to answering defendant, which had no asbestos containing products. Further, since plaintiff is not alleged to have been an employee of ACL or any other mining company, ACL's internal operating procedures regarding its own employees are immaterial, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, answering defendant did not make such tests. By way of further response, see defendant's Response to Interrogatory No. 23, which is incorporated by reference herein.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER:

Not applicable. See Response to Interrogatory No. 31, which is incorporated by reference herein.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER:

Objection; overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, to the best of answering defendant's knowledge, it was never advised of anything by the American Conference of Governmental Industrial Hygienists.

33.1 State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) The date of any such air samples, tests, or activities;
- (b) By whom such activities were performed;
- (c) Where such activities were performed;
- (d) The results of any such activities.

ANSWER:

See defendant's Response to Interrogatory No. 31, which is incorporated by reference herein.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Subject to and without waiving said objections, at one time ACL had a corporate library containing books of a technical nature. It was located at Thetford Mines. No further information is available.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER:

Not to the best of answering defendant's knowledge, information and belief.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER:

Unknown. As a corporation, ACL can only act by and through the persons who comprise the organization. It is impossible to determine who knew what and when, and to further attribute such knowledge to the corporate entity.

36.1 Did Defendant ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos-containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER:

No.

36.2 Did Defendant ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER:

No.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed of other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER:

See defendant's Response to Interrogatory No. 30.2, which is incorporated by reference herein.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER:

Objection; vague, ambiguous, overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this Interrogatory to the extent that it is not limited in time or scope to plaintiff's alleged exposure. Further, defendant objects to this Interrogatory to the extent that it seeks a response by, or on behalf of, any other entity. Subject to and without waiving said objections, unknown.

39. Please identify by name the technical and trade association periodicals to which Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER:

See defendant's Response to Interrogatory Nos. 30 and 38, which are incorporated by reference herein.

40. Please state whether, prior to 1975, Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER:

Objection; overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, ACL did not sponsor any such meetings, seminars, conferences, conventions or legislative hearings. Further, see defendant's Response to Interrogatory No. 36, which is incorporated by reference herein.

41. As to each product listed in Response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;

- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

See defendant's Response to Interrogatory Nos. 5 and 8.2, which are incorporated by reference herein.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in Response to Interrogatory No. 9? If so, please state the following:

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

ANSWER:

Not applicable. See defendant's Response to Interrogatory No. 9, which is incorporated by reference herein.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER:

Objection. Defendant objects to this interrogatory to the extent that it seeks expert medical and/or scientific opinion testimony. Subject to and without waiving said objection, unknown. Answering defendant is not and never has been a manufacturer of asbestos containing products; rather, ACL mined and milled raw chrysotile asbestos fiber, a naturally occurring mineral substance and not a manufactured product.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in Response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.

- (b) Name of person at the sites listed on Exhibit A, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER:

Not applicable. See defendant's Response to Interrogatory Nos. 5 and 8.2, which are incorporated by reference herein.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER:

Objection; overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, defendant objects to the extent that this interrogatory is not limited in time or scope to plaintiff's alleged exposure. Additionally, since plaintiff is not alleged to have been an employee of ACL, its internal operating procedures regarding its own employees are immaterial, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the Workers' Compensation system in effect in the Province of Quebec is so different from any system that would be applicable here, that any comparison between the two would be completely irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. Furthermore, ACL cannot divulge

the names of any claimants as this would violate the laws of the Province of Quebec. Pursuant to the Act Respecting the Protection of Personal Information in the Private Sector (hereinafter "ARPPIPS"), the release of any such information would require the consent of the claimant(s).

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER:

Not applicable to answering defendant, which has never manufactured any asbestos-containing products.

47.2 Has any person or company from which you purchased asbestos-containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide: -

- (a) The date of said recall;
- (b) The name of the company which issued the recall;
- (c) A copy of the recall.

ANSWER:

See defendant's Response to Interrogatory No. 38, which is incorporated by reference herein.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER:

See defendant's Response to Interrogatory Nos. 5 and 47.1, which are incorporated by reference herein.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) Describe such action;
- (b) State when such action was taken;
- (c) State what written material exists related to such action;
- (d) State the names, job titles and last known address of the individuals who undertook such actions.

ANSWER:

See defendant's Response to Interrogatory Nos. 5, 22 and 45, which are incorporated by reference herein.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER:

See defendant's Response to Interrogatory No. 47, which is incorporated by reference herein.

48.1 Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) Each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) The manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) The inclusive dates of any such manufacture, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) The present location at which all such records are maintained;
- (e) The identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER:

Not applicable. Answering defendant has no such records with respect to asbestos containing products.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) The date and location of such destruction or discard;

- (b) The custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER:

Not applicable. See response to Interrogatory No. 48.1, which is incorporated by reference herein.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Objection; vague, ambiguous, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, no.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or

other computerized format)?

- (e) What manner of electronic format is used?

ANSWER:

See defendant's Response to Interrogatory No. 48.3, which is incorporated by reference herein.

49. Has Defendant obtained statements from any witnesses including Plaintiffs? If so, please:

- (a) List each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER:

No.

50. Do you contend that Plaintiff/Decedent improperly used those products listed in Response to Interrogatory No. 5? If so, please set forth in detail in what respect the product was improperly used.

ANSWER:

See defendant's Answer to Plaintiff's Complaint. Further, defendant denies that plaintiff ever used or was exposed to ACL's raw asbestos fiber. Additionally, discovery is continuing and defendant reserves the right to supplement this response at a later date.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed to or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER:

Objection. Defendant objects to this interrogatory to the extent that it seeks expert medical and/or scientific opinion testimony. Subject to and without waiving said objection, unknown. However, discovery is continuing and defendant reserves the right to supplement this response at a later date.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER:

Objection. Defendant objects to this interrogatory to the extent that it seeks expert medical and/or scientific opinion testimony. Subject to and without waiving said objection, see response to Interrogatory No. 5, which is incorporated by reference herein.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity and last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER:

Undetermined at this time. However, discovery is continuing and defendant reserves the right to supplement this response at a later date.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER:

See defendant's Response to Interrogatory No. 53, which is incorporated by reference herein.

55. Does Defendant admit that service of process was properly had on it in these cases?

If not, please state why.

ANSWER:

Objection; vague and ambiguous. Subject to and without waiving said objections, no. It is impossible for defendant to respond to this Interrogatory without further identification of "these cases".

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) The facts upon which Defendant relies for each and every affirmative defense;
- (b) Each and every document which will be offered to prove each and every affirmative defense; and
- (c) Each and every witness who will testify in support of each and every affirmative defense.
- (d) The substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER:

See defendant's Answer to Plaintiff's Complaint. Further, discovery is continuing and defendant reserves the right to supplement this response at a later date.

56. Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER:

Objection; immaterial, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

56.1 Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) The case caption, court and date of filing of each case in which you have been involved;
- (b) Whether you were Plaintiff or Defendant;
- (c) A brief statement of the issues;
- (d) Identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) Identify by deponent and date all individuals who were deposed in these cases;
- (f) Identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) Identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER:

Objection; overbroad, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence and beyond the scope of permissible discovery.

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

ANSWER:

Undetermined at this time. However, discovery is continuing and defendant reserves the right to supplement this response at a later date.

58. State the last date that Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER:

Objection; defendant objects to this interrogatory to the extent that it seeks legal opinion testimony. Subject to and without waiving said objection, not applicable to answering defendant, which has never sold, distributed, manufactured, installed and/or otherwise placed asbestos containing products into the stream of commerce. With respect to ACL's raw chrysotile asbestos fiber, see defendant's Response to Interrogatory No. 5, which is incorporated by reference herein.

EXHIBIT A

BARON & BUDD SITE LIST

Tennessee Eastman Corp., Kingsport, TN
Specialty Paper Co., Dayton, OH
General Motors, Moraine, OH
Interstate Folding Box, Middletown, OH

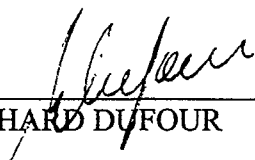
CANADA

PROVINCE OF QUEBEC

DISTRICT OF LAVAL

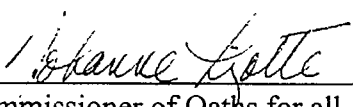
AFFIDAVIT

RICHARD DUFOUR, being duly sworn according to law, deposes and says that he is counsel for Asbestos Corporation Limited, that he is duly authorized to make this affidavit and that the facts set forth in the foregoing Discovery Responses are true and correct to the best of his knowledge, information and belief.

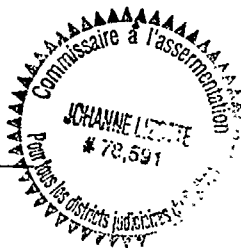


RICHARD DUFOUR

Subscribed and Sworn to
before me at Laval, Québec, Canada,
on this 20th day of December, 2002.



Commissioner of Oaths for all Judicial
Districts of the Province of Québec



My Commission Expires: July 6, 2004

Les Affaires

American Council on Science and Health News

Annuaire Telephonique Judiciaire du Quebec

Bulletin Loi Corporations Canadiennes

Dabats de la Chambre des Communes

Gazetta du Canada

Nord -- North

Projets des Loi de la Chambre des Communes

Recueils des Arrêts de la Cour Supreme

La Hughes Divers

Commandes Asbestos Magazine

Asbestos Litigation Reporters

Astex Publishing Company -- Asbestos Bulletin

Bits and Pieces - The Economic Press, Inc.

Boardroom Reports

Bourse de Montreal

Business Latin America

Business Lawyer

Business Quarterly

Byte

Canada Corporations Law Reporter

Canada Business Management Developments

Canadian Commercial Law Guide

DEFENDANT'S
EXHIBIT

A

The Fraser Institute
Canadian Employment Safety and Health Guide
Canadian Environmental Control News Letter
Canadian Industrial Relations and Personnel Development
Canadian Labour Reports
Canadian Product Safety Guide
Canadian Securities Law Reporter
Canadian Tax Reporter and Sales Tax Reporter
Canadian Temporary Economic Controls
Fiscalite Quebecoise
Quebec Tax Reporter
Volumes Divers Commandes (CCH)
Canada Labor Views Company Limited (The)
Canadian Business
Canadian Cash Management Review
Canadian Lawyer
Canadian Mining Journal
Canadian Mining Journal Reference Manual and Buyer's Guide
Canadian Personnel and Industrial Relations Journal
Centre de Recherche et Statistiques Marche Travail
Chatelaine
Cica-IAG
The Collector-Investor
Conseil Canadian Day Log Documentation
Juridique

Control Engineering
Corpus-Canadian Occupational and Health and Safety News
Corpus-Corpus Administrative Index
Courrier Frontenac
Development Forum Business Addition
Directory of Software
Documents Parlementaires-Assemblee Nationale
Dunhill Products Liability Law Reporter
Economic Impact
The Economist
Editeur Officiel du Quebec
Editeur Officiel du Quebec Volumes Divers
Editions FD-Lois Refondues du Quebec
Editions FM-Lois du Quebec
EDP Auditing
EDP Analyzer
Emploi
Gains and Duree de Travail Statistiques
Finance
The Financial Post
Financial Post-Directory of Directors
Financial Post-Survey of Mines and Energy
Forbes
Foreign Investment of Canada
Fortune

The Gazette
The George Odiorne Letter
Gestion (Review Internationale de Gestion)
The Globen Mail
Harvard Business Review
Inside Quebec-La-Lettre de Quebec
International Bulk Journal
IR Research Services
The Journal of Commerce
Kingsland Publications
L'Actualite
Le Progres
La Prosperite
Le Soleil
L.J. Rundt & Associates Inc.
MacLean Monthly Limited-Monthly Mining Cards
MacLean's Marketing News
Mainstream News Letter-Technology News of America
Business Week
McGraw Hill Publications
Electrical Construction and Maintenance
Engineering and Mining Journal
Modern Plastics
Power
Mining Journal

The Montreal Business Report
 M. Murenbeeld & Associates
 New Publications - Bureau of Mines (U.S. Government)
 The Northern Engineer
 The Northern Miner
 Northern Miner-Canadian Mines Handbook
 O'Brian's Encyclopedia of Forms-Canadian Law Book
 Oceana Publications Inc.
 Office Equipment and Methods
 Oil Buyers Guide
 Organizational Dynamics by American Management Association
 Periodica-Euroquebec
 Pollution Law Reporting Service
 Popular Electronics
 Quebec Shasse en Peche
 Quebec Industriel
 Record (Factory Mutual System)
 Research and Publication Subscription Program
 Ressources Quebec
 Review Canadienne du Droit D'Auter
 Review Commerce
 Review de Droit (Faculte de Droit-University of Cherbrook)
 Canada Corporation Manual
 Canada Labor Service
 Canada Tax Service

Quebec Corporation Manual
Volumes Commandes
Sales and Marketing Management in Canada
Selection du Readers Digest
Sloan Management Review
Soquij Commission des Affaires Sociales
Soquij-Droit du Travail Express
Soquij-Droit Fiscal Quebecois
Soquij-Judgments Commandes, Etc.
Soquij-Jurisprudence Express
Statistique Canada
Time
Toronto Stock Exchange-Listing Statements, Monthly Review,
Stock Exchange Review, Various Volumes
Warren, Gorham & Lamont, Inc.
Western Miner
Wind Power Digest
Winning Negotiations-AMR
World Mining

CERTIFICATE OF SERVICE

A copy of the foregoing was served via regular U.S. Mail, postage prepaid upon plaintiffs' counsel, on this 30th day of December, 2002.



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JOHN R. CHRISTIE

December 30, 2002

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Dallas, TX 75218-4281

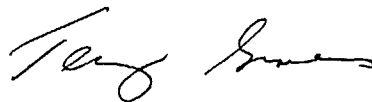
Re: *Lenny Dale Rhoton, Sr. and Barbara J. Rhoton*
Cuyahoga County Common Pleas Court Case No. 434065

Dear Mr. Gibke:

Please find enclosed the defendant, Asbestos Corporation, Ltd.'s, responses to plaintiff's set of interrogatories.

Further, the undersigned is in the process of working with the client and national coordinating counsel for discovery to finalize the responses to the request for production of documents. However, due to the fact that the client's office has been closed over the holidays, the finalization of the responses to the request for documents has been delayed. The undersigned anticipates that we will forward the same to you in the coming week. Should you have any questions in these regards, please contact the undersigned.

Very truly yours,



Terrance P. Gravens

TPG/lss

Enclosures