

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DONALD ABNER,
ET AL.

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY,
ET AL.,

Defendants.

: Case No. CV96 01 0180
: (Judge George Elliott)

:
:
:

: SECOND SUPPLEMENTAL ANSWERS TO
: PLAINTIFFS' MASTER SET OF
: INTERROGATORIES OF DEFENDANT,
: MALLINCKRODT, INC. (FORMERLY
: KNOWN AS MALLINCKRODT GROUP,
: INC., AND BEFORE THAT KNOWN AS
: IMCERA GROUP INC., AND BEFORE
: THAT KNOWN AS INTERNATIONAL
: MINERALS & CHEMICAL CORPORATION,
: HEREINAFTER REFERRED TO AS
: MALLINCKRODT)

Defendant Mallinckrodt Inc. ("Mallinckrodt"), named herein as International Minerals & Chemical Corporation, on behalf of its former E.J. Lavino Division ("Lavino Division"), supplements its Answers to Plaintiffs' Master Set of Interrogatories as well as its Supplemental Answers as indicated below. Mallinckrodt provides these Second Supplemental Answers subject to all previously stated objections.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1:

Mallinckrodt believes that it has properly responded to this Interrogatory in its original Answer to Interrogatory No. 1 as well as in its Supplemental Answer to Interrogatory No. 1. The Interrogatory does not request that Mallinckrodt identify any specific present or former employee who is believed to have personal knowledge concerning some discrete identified issue of fact. Rather, it requests that Mallinckrodt generally identify persons with whom it may have consulted in preparing its responses.

This is a clear infringement of the attorney/client privilege and/or work product privilege. However, in an effort to cooperate with Plaintiff, Mallinckrodt lists below former employees who have or had personal knowledge concerning either of the two products that contained asbestos or pertinent operations of the former Lavino Division. These persons include:

1. Harry M. Mikami, Ph.D., former Director of Research and Development with the Lavino Division, now deceased.
2. Horace N. Hall, former Technical Director with the Lavino Division, last known to reside at 90 South Grange Avenue, Collegeville, Pennsylvania.
3. Gordon Baer, former sales representative with the Lavino Division, who resides in Easton, Maryland.
4. Brad Tucker, a former sales representative for the Lavino Division, whose current address is 428 Howard Road, Gladwyne, Pennsylvania, 19035.
5. Robert Schaer, a former salesman in the Pittsburgh office of the Lavino Division, who is believed to still reside in the Pittsburgh area.
6. Richard Gullickson, a former industrial hygienist with International Minerals & Chemical Corporation, who is believed to be located at 5950 West Touhy Avenue, Niles, Illinois.
7. Merritt Peters, formerly in research with the Lavino Division, last believed to reside in Plymouth Meeting, Pennsylvania.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5(d):

In addition to Answers previously given, Mallinckrodt states that there is little information to provide. As Mallinckrodt has indicated in prior responses, the asbestos-containing paper provided upon customer specification for inclusion on one or more sides between the metal casing and the brick for 1202 metal-encased

refractory brick was purchased from Nicolet Industries, Inc. Nicolet, which was a manufacturer and supplier of certain asbestos-containing products, was based in Ambler, Pennsylvania, which was in close proximity to the Plymouth Meeting plant of the former Lavino Division. It is logical that this paper would have come from Nicolet. Mallinckrodt does not have original documentation of purchases of this product from Nicolet. Nor does it have material specifications for the paper. Mallinckrodt is not aware that the former Lavino Division purchased any other product containing asbestos from Nicolet.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon plaintiffs' counsel and notice of the foregoing upon all attorneys on the attached service list by regular U.S. Mail this 9th day of January, 1998.



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(SEE ATTACHED LIST)

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Verification

State of Missouri)
)
) ss:
)
County of St. Louis)

I, Roger A. Keller, am Vice President, Secretary and General Counsel of Mallinckrodt Inc., and am duly authorized to execute, under oath and on behalf of Mallinckrodt Inc., Second Supplemental Answers to Plaintiffs' Master Set of Interrogatories of Defendant Mallinckrodt Inc.

The information set forth in these Second Supplemental Answers was collected by corporate personnel and other persons with knowledge of the facts; such information is not necessarily within my personal knowledge. However, on behalf of the corporation, I solemnly affirm under the penalties of perjury, that the foregoing Second Supplemental Answers are true to the best of my knowledge, information and belief.


Roger A. Keller

Subscribed and sworn to before me this 16th day of December 1997.


Notary Public

My Commission Expires:

Gigi N. Royse
Notary Public, State of Missouri
County of St. Louis
My Commission Exp. 08/20/2000

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DONALD ABNER,	:	Case No. CV96 01 0180
ET AL.	:	(Judge George Elliott)
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Plaintiffs,	:	
	:	
vs.	:	SUPPLEMENTAL ANSWERS TO
	:	PLAINTIFFS' MASTER SET OF
A-BEST PRODUCTS COMPANY,	:	INTERROGATORIES OF DEFENDANT,
ET AL.,	:	MALLINCKRODT, INC. (FORMERLY
	:	KNOWN AS MALLINCKRODT GROUP,
Defendants.	:	INC., AND BEFORE THAT KNOWN AS
	:	IMCERA GROUP INC., AND BEFORE
	:	THAT KNOWN AS INTERNATIONAL
	:	MINERALS & CHEMICAL CORPORATION,
	:	HEREINAFTER REFERRED TO AS
	:	MALLINCKRODT)

Defendant Mallinckrodt Inc. ("Mallinckrodt"), named herein as International Minerals & Chemical Corporation, on behalf of its former E.J. Lavino Division ("Lavino Division"), supplements its Answers to Plaintiffs' Master Set of Interrogatories as indicated below. Mallinckrodt supplements its Answers subject to all previously stated objections.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1:

No present or former employee of Mallinckrodt actually prepared these Answers to Interrogatories.

SUPPLEMENTAL ANSWER TO INTERROGATORY NOS. 3, 4:

Mallinckrodt is producing the pertinent asset acquisition documentation with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5(b)(4) and 5(b)(6):

The LA 1202 basic brick was a direct bonded 60% magnesium brick which was dark brown in color and, when encased, had a metal

casing covering all sides of the brick. The brick varied significantly in size and shape depending upon the customer order or specification. As an example, certain orders for LA 1202 plated No. 1 key brick (without asbestos paper) were 13 1/2" by 6" by 3".

The LA 1202 basic brick typically was shipped on wooden pallets 36 inches wide by 48 inches long. The pallets would hold from 150 to 300 bricks, depending upon the size of the brick ordered.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5(d):

Nicolet Industries, Inc. was a supplier of asbestos-containing products based in Ambler, Pennsylvania. Nicolet was a defendant in the asbestos litigation prior to going out of business. It is Mallinckrodt's belief that Baron & Budd certainly is familiar with Nicolet.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 5(e):

Mallinckrodt stands on its objection with respect to Interrogatory No. 5(e). This is an overly broad, unduly vague, and meaningless request that seeks speculation and conjecture on the part of Mallinckrodt. The request asks Mallinckrodt to distinguish Plastic K-N and LA 1202 metal-cased refractory brick with asbestos-containing paper "from those [products] of competitors." It improperly assumes that Mallinckrodt is informed as to the description, use and specifications of products of competitors. It fails to identify any particular type of alleged competitive product, any specific use of such product or any relevant time

frame. Mallinckrodt is uncertain as to whether this Interrogatory inquires concerning comparable asbestos-containing products of competitors, any asbestos-containing products of competitors, any comparable products of competitors, or any products of competitors. The question, as stated, is hopelessly ambiguous and calls for speculation by Mallinckrodt.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8:

Mallinckrodt did not sell any product that contained asbestos to the Hamilton, Ohio plant of Armco Steel. Mallinckrodt did not use a distributor to sell any product that contained asbestos to either the Hamilton, Ohio or the Middletown, Ohio plants of Armco Steel. Mallinckrodt is not aware of any distributor who sold its products to either the Middletown, Ohio or Hamilton, Ohio plants of Armco Steel. Mallinckrodt sold Plastic K-N directly to the Middletown, Ohio plant of Armco Steel. Available invoices regarding the sale of Plastic K-N to the Middletown, Ohio plant are being produced.

At the time that Mallinckrodt relabeled Plastic K-N for A.P. Green Refractories Company and Babcock & Wilcox Company, A.P. Green was based in Mexico, Missouri and Babcock & Wilcox was based in August, Georgia. Mallinckrodt is aware that there were some dealings with a Glen Charles of A.P. Green in Mexico, Missouri and with Wayne Marshall of Babcock & Wilcox in August, Georgia concerning rebranded Plastic K-N. Mallinckrodt does not have current addresses for either Mr. Charles or Mr. Marshall.

SUPPLEMENTAL ANSWER TO INTERROGATORY NOS. 8.03, 8.04:

There is no need to supplement the Answers to these Interrogatories as a result of the supplementation of Interrogatory No. 8.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8.05:

This Interrogatory seeks detailed information concerning virtually all products made or sold by the former Lavino Division. This is because the Lavino Division made and sold refractory products, which by definition are intended for use in connection with high temperatures, typically well above 1000°F. With the exception of the two products referenced in response to Interrogatory No. 5, the Lavino Division did not make or sell any product that contained asbestos. Nor did it manufacture or sell asbestos-containing insulation products. Accordingly, the Interrogatory, as posed, has no logical application to Mallinckrodt and is not probative of any material disputed issue of fact as to Mallinckrodt.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8.1:

Mallinckrodt did not sell any product that contained asbestos to the Hamilton, Ohio plant of Armco Steel. It has researched its records and found no evidence of any such sale to the Hamilton, Ohio plant of Armco Steel.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8.3:

There is no need to supplement the Answer to this Interrogatory as a result of the supplementation of Interrogatory No. 8.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 8.4:

Mallinckrodt is producing the pertinent sales documentation with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 9:

Mallinckrodt is not aware of which, if any, Lavino Division sales representative called upon the Hamilton, Ohio plant of Armco Steel.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 9.1:

The last known address for Mr. Tucker and Mr. Schaer was in the Pittsburgh office of the former Lavino Division, which no longer exists. Mr. Schaer is believed to still reside in the Pittsburgh area. Mallinckrodt does not have a current address for Mr. Tucker.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 14:

Mr. Hall worked in various research and production capacities for the former Lavino Division. He eventually became Technical Director before retiring in March of 1973. The last known address for Mr. Hall was 90 South Grange Avenue, Collegeville, Pennsylvania 19426.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 17:

Mallinckrodt is producing the pertinent documents with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 30.2:

Mallinckrodt has not been able to determine based upon information reasonably available to it whether any engineer, industrial hygienist or physician in its employment was a member of the Industrial Health Foundation, Industrial Hygiene Foundation, Iron and Steel Institute, National Safety Council, The Refractories Institute or the Air Hygiene Foundation of America, Inc. prior to or while Mallinckrodt made or sold any product that contained asbestos. Plaintiffs can directly obtain membership information directly from some or all of these organizations.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 34:

Mallinckrodt has insufficient information to determine which, if any, contents of the library maintained from 1958 until September 1971 are still kept by the company in any present library collection of its.

SUPPLEMENTAL ANSWER TO INTERROGATORY NOS. 42, 43:

Mallinckrodt is producing the pertinent documents with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 44:

Mallinckrodt is not informed as to which written materials concerning either of the products referenced in response to Interrogatory No. 5 may have been provided to any sales

representative or other personnel who may have visited the Armco Steel plants in Middletown, Ohio or Hamilton, Ohio.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 48.1:

Mallinckrodt is producing the pertinent documents with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 56:

Mallinckrodt is producing the pertinent documents with its Supplemental Response to Request for Production of Documents.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 57:

Mallinckrodt will supplement its Answer with any pertinent non-privileged information.

Verification

State of Missouri)
)
) ss:
)
County of St. Louis)

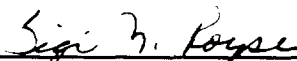
I, Roger A. Keller, am Vice President, Secretary and General Counsel of Mallinckrodt Inc., and am duly authorized to execute, under oath and on behalf of Mallinckrodt Inc., Supplemental Answers to Plaintiff' Master Set of Interrogatories of Defendant Mallinckrodt Inc.

The information set forth in these Supplemental Answers was collected by corporate personnel and other persons with knowledge of the facts; such information is not necessarily within my personal knowledge. However, on behalf of the corporation, I solemnly affirm under the penalties of perjury, that the foregoing Supplemental Answers are true to the best of my knowledge, information and belief.



Roger A. Keller

Subscribed and sworn to before me this 16th day of December 1997.



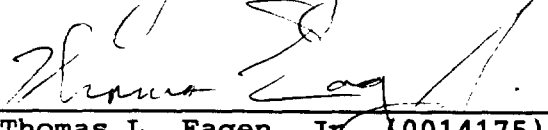
Notary Public

My Commission Expires:

Gigi N. Royse
Notary Public, State of Missouri
County of St. Louis
My Commission Exp. 08/20/2000

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon plaintiffs' counsel and notice of the foregoing upon all attorneys on the attached service list by regular U.S. Mail this 9th day of January, 1998.


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Plaintiffs,	:	
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vs.	:	ANSWERS TO PLAINTIFFS' MASTER SET
	:	OF INTERROGATORIES OF DEFENDANT
A-BEST PRODUCTS COMPANY,	:	MALLINCKRODT INC. (FORMERLY KNOWN
ET AL.,	:	AS MALLINCKRODT GROUP, INC., AND
	:	BEFORE THAT KNOWN AS IMCERA GROUP,
Defendants.	:	INC., AND BEFORE THAT KNOWN AS
	:	INTERNATIONAL MINERALS & CHEMICAL
	:	CORPORATION, HEREINAFTER REFERRED
	:	TO AS MALLINCKRODT)

Defendant Mallinckrodt Inc. ("Mallinckrodt"), named herein as International Minerals & Chemical Corporation, on behalf of its former E.J. Lavino Division ("Lavino Division"), responds to Plaintiffs' Master Set of Interrogatories as follows:

(a) The information supplied in these answers to interrogatories is not based solely upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged; and

(b) The language, sentence structure and word usage may be that of the attorney who in fact prepared these answers to interrogatories and does not purport to be the exact language of the executing party.

GENERAL OBJECTIONS

Mallinckrodt generally objects to Plaintiffs' Master Set of Interrogatories as set forth in subparagraphs (a) through (g)

below. General Objections (a) through (e) shall be deemed to be interposed to each question only as indicated in response to individual Interrogatories, unless the context indicates otherwise. General Objections (f) and (g) apply with respect to all responses of Mallinckrodt, regardless of whether or not these Objections are repeated in response to individual Interrogatories. To the extent that Mallinckrodt has objected, it respectfully refuses to answer the affected portion of the particular Interrogatory.

(a) Defendant's Business: Mallinckrodt was never in the business of mining, processing or selling asbestos or in the business of manufacturing or selling asbestos-containing insulation. Mallinckrodt did not produce and sell asbestos; it did not manufacture or sell asbestos-containing insulation. Mallinckrodt marketed for a period of time, but not since February 1974, various refractory products through its former Lavino Division. The operations of this Division, discontinued effective February 28, 1974, are the only Mallinckrodt operations arguably placed at issue by plaintiffs' claims. The Lavino Division manufactured and supplied refractory brick and refractory specialty products for the linings of industrial furnaces and vessels used in the production of iron, steel and other substances. The Lavino Division only manufactured one product whose product mix included asbestos. This refractory product, Plastic K-N, as sold by the Lavino Division, contained less than 1% chrysotile asbestos for just over seven years. Many of Plaintiffs' Interrogatories have little, if any, applicability to Mallinckrodt as a company that did

not make or sell asbestos-containing insulation products and, accordingly, are overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

(b) Relevant time period: Mallinckrodt objects to the extent that Plaintiffs' Interrogatories inquire about matters occurring or alleged to have occurred after February 28, 1974, which is the date by which the Lavino Division effectively ceased manufacturing or selling any products. Mallinckrodt objects to the extent that Plaintiffs' Interrogatories inquire about company operations prior to December 30, 1966, after which Mallinckrodt, through the Lavino Division, first entered into the refractories business.

(c) Plaintiffs' Definitions: Unless otherwise indicated, Mallinckrodt answers herein with respect to the operations of its former Lavino Division - the only operations of Mallinckrodt arguably at issue. Mallinckrodt objects to Definition 1, and any other Definition, to the extent that it purports to impose upon Mallinckrodt an obligation to provide information relating to the activities of any divisions, subsidiaries, affiliates or other operations unrelated to the business of the Lavino Division. No such entity was connected with the research, development, manufacture, sale or distribution of any product placed at issue by plaintiffs.

(d) Identity of Documents and Persons: Where the Interrogatories seek particulars concerning the identity or nature of specified documents, and Mallinckrodt has agreed to produce any such documents, rather than attempt to identify or characterize any

documents by written description in response to the Interrogatory, Mallinckrodt undertakes only to produce at a mutually agreeable place and time the particular document(s). Mallinckrodt undertakes no responsibility to attempt to identify documents either discarded in the normal course of its business or transferred with the sale of its former Lavino Division since it would not be reasonably possible to do so and would be needlessly burdensome to attempt to do so.

(e) Non-asbestos Matters: Mallinckrodt objects to responding to any inquiries regarding matters not related to injuries alleged to have resulted from exposure to asbestos. Since this litigation concerns claims alleging injurious exposure to asbestos, inquiries concerning exposure to other substances are overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

(f) Privilege: To the extent that Plaintiffs' Interrogatories purport to encompass (1) confidential communications between Mallinckrodt and its retained counsel or (2) materials developed or obtained by Mallinckrodt in anticipation of or after inception of litigation for purposes of defense of that litigation, Mallinckrodt declines to identify or provide information concerning such communications or materials since they are privileged from disclosure.

(g) Terms Used: Mallinckrodt does not adopt or employ the definitions given to various terms by plaintiffs. Terms used by Mallinckrodt in its responses are meant to be accorded their normal

meaning, unless otherwise indicated.

ANSWER TO INTERROGATORY NO. 1:

Mallinckrodt objects to this Interrogatory as unnecessarily and improperly invading the attorney-client privilege and relating to information privileged from discovery. The specific manner in which Mallinckrodt gathered information to respond to these Interrogatories and the identity of, and information supplied by, persons consulted in this regard are privileged. Subject to and without waiving its objections, Mallinckrodt states that the answers and objections to these Interrogatories were prepared by counsel for Mallinckrodt based upon (1) information provided by present or former employees of Mallinckrodt and (2) based upon a review of pertinent corporate records. These answers have been verified by Roger A. Keller, Vice President, Secretary and General Counsel of Mallinckrodt. Mr. Keller joined Mallinckrodt in the indicated capacity effective July 1, 1993.

ANSWER TO INTERROGATORY NO. 1.1:

Mallinckrodt objects to this Interrogatory as unnecessarily and improperly invading the attorney-client privilege and relating to information privileged from discovery. The specific manner in which Mallinckrodt gathered information to respond to these Interrogatories, including the identity of any documents reviewed in that process, is privileged. Subject to and without waiving its objections, Mallinckrodt states that its answers were prepared by counsel for Mallinckrodt based upon (1) information provided by present or former employees of Mallinckrodt and (2) a review of

pertinent corporate records. Mallinckrodt cannot reasonably reconstruct at this point the identity of particular documents that may at some time have been reviewed in developing information responsive to the numerous interrogatories propounded by Plaintiffs.

ANSWER TO INTERROGATORY NO. 2:

- a) Mallinckrodt Inc.
- b) New York
- c) Mallinckrodt's principal offices are located in St. Louis, Missouri.
- d) C.T. Corporation
815 Superior Avenue N.E.
Cleveland, Ohio 44114
- e) Not applicable.

ANSWER TO INTERROGATORY NO. 3:

Mallinckrodt objects to this Interrogatory as overly broad, unnecessarily burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Interrogatory inquires broadly concerning corporate transactions of this defendant regardless of whether or not any such transactions are related to any product identified as a source of any plaintiff's alleged exposure to respirable asbestos fibers. Mallinckrodt also incorporates by reference General Objections (a)-(e). Subject to and without waiving its objections, Mallinckrodt states that it is a company which has had diverse and wide-ranging operations. However, the only operations of Mallinckrodt arguably at issue in this litigation are those of its former Lavino Division. Effective

December 30, 1966, Mallinckrodt acquired by asset purchase certain refractory assets of E.J. Lavino and Company. With the acquisition of these assets, Mallinckrodt commenced the manufacture and sale of refractory products through what became known as the Lavino Division, a wholly owned, unincorporated division of Mallinckrodt. Effective February 28, 1974, Mallinckrodt sold off a substantial portion of the assets of its Lavino Division and left the refractories business. E.J. Lavino and Company was based in Philadelphia, Pennsylvania. In acquiring assets from this Company, Mallinckrodt did not assume any liability for any products not made or sold by it. Relevant portions of the asset acquisition agreement will be produced.

ANSWER TO INTERROGATORY NO. 4:

See Answer to Interrogatory No. 3.

ANSWER TO INTERROGATORY NO. 4.1:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence for the reasons stated in General Objections (a), (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that it is not aware that any of its officers or directors were involved while employed with it in the management of any company that was in the business of making or selling asbestos-containing products.

ANSWER TO INTERROGATORY NO. 5:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery

of admissible evidence for the reasons stated in General Objections (a), (b) and (c). Mallinckrodt also objects to subpart (e) as overly broad, vague, ambiguous and repetitive. Subject to and without waiving its objections, Mallinckrodt states that the Lavino Division made or sold two products which contained asbestos. The two products were Plastic K-N (or a variant form known as Plastic K-KN) and LA 1202 (or LA 1204) metal-encased refractory brick with asbestos-containing paper. Pertinent information regarding each product is as follows:

PLASTIC K-N

The former Lavino Division sold a product which was known by ~~dark~~ and name as Plastic K-N. This was a wet, dense, brown to black colored, pliable, malleable refractory chrome-ore product. It was manufactured by the Lavino Division with a less than one percent chrysotile asbestos content by weight for just over seven years, between December 30, 1966 and February 28, 1974. The asbestos content by volume is not known but was minute. In the process of adding the chrysotile asbestos fibers in the mix for the product, the fibers became well distributed within the product and became glued or locked into the product by virtue of the inclusion of a sodium silicate binder.

Plastic K-N was intended for use in the lining of open hearth furnace doors, for steel melting furnaces, in hearth linings for metal heating and forging furnaces and in severe wear areas of high temperature boilers with heavy corrosive action from slag or ash. It was expected that the product would be exposed to very high

temperatures, typically over 2,000°F, which would cause the less than one percent chrysotile asbestos content to be transformed into a harmless non-asbestos material or otherwise to become encapsulated into the heat hardened remainder of the product after use in furnaces.

Plastic K-N was shipped in 100 pound and 200 pound containers. These were either 100 pound bags, 100 pound cartons or 200 pound drums. The containers would have included the designation "K-N" as well as the name of the manufacturer. Applicable specifications of the contents of Plastic K-N will be produced.

LA 1202 METAL-ENCASED BRICK

The former Lavino Division manufactured a direct-bonded "basic" refractory brick which was fired at a high temperature. The brick was known as LA 1202, and was made plain and with a metal casing. As with all brick manufactured by the Lavino Division, the brick never contained any asbestos. However, at the specific request of a few customers, the Lavino Division included with the metal-encased 1202 brick, between the brick and its metal casing on one or more sides, an asbestos-containing paper. The paper was not made or supplied by Mallinckrodt, but is believed to have been supplied by Nicolet. The paper contained chrysotile asbestos. The Lavino Division filled orders for this specially fabricated product between December 30, 1966 and February 28, 1974.

The intended use of the LA 1202 metal-encased brick with asbestos-containing paper was for high production open hearth

furnace roofs, where the product with its tiny asbestos component was exposed to intense heat, typically well over 2000° F. The asbestos-containing paper was included to allow expansion during initial heat-up. The brick was dark brown in color with the tan or light-colored asbestos-containing paper inside the metal casing between the casing and the brick. The product typically was shipped on wooden pallets with approximately 150-300 bricks per pallet.

Mallinckrodt is not aware of any sales of this specially fabricated product (the metal-encased refractory brick with asbestos-containing paper) to any jobsite at issue in this litigation. Mallinckrodt does not have the specifications for the manufacture of the asbestos-containing paper.

ANSWER TO INTERROGATORY NO. 6:

Patent No. 3,297,458 for "Plastic Chrome Ore" was issued as of January 10, 1967 to Harry M. Mikami, as assigner to E.J. Lavino and Company. There is no pending patent for Plastic K-N. Mallinckrodt is not aware of any patent specific to LA 1202 metal-encased refractory brick as assembled with asbestos-containing paper.

ANSWER TO INTERROGATORY NO. 7:

Mallinckrodt is not aware of any material alteration in the basic chemical composition of either Plastic K-N or LA 1202 metal-encased refractory brick while sold by the Lavino Division. The less than 1% encapsulated chrysotile asbestos content of Plastic K-N did not change. LA 1202 metal-encased refractory brick only

included asbestos-containing paper when specified by the customer.

ANSWER TO INTERROGATORY NO. 8:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence since it pertains to the marketing or sale of products to or for jobsites not at issue with respect to this defendant in this litigation. Mallinckrodt also objects to this Interrogatory for the reasons stated in General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that Plastic K-N was relabelled for Babcock & Wilcox Company and for A.P. Green Refractories Company. While the former Lavino Division occasionally used authorized distributors to sell products, distributors were not used to sell any product at issue in this litigation to the Armco Steel Plant in Middletown, Ohio. The former Lavino Division sold directly to that plant.

ANSWER TO INTERROGATORY NO. 8.01:

Mallinckrodt states that it has no awareness of its having purchased any asbestos-containing product from any defendant named in this litigation for sale to any customer, including in particular Armco Steel in Middletown, Ohio.

ANSWER TO INTERROGATORY NO. 8.02:

See Answer to Interrogatory No. 8.01.

ANSWER TO INTERROGATORY NO. 8.03:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence since it pertains to the marketing or sale

of products to or for jobsites not at issue with respect to this defendant in this litigation. Mallinckrodt also objects to this Interrogatory for the reasons stated in General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt refers plaintiffs to its Answer to Interrogatory No. 8.

ANSWER TO INTERROGATORY NO. 8.04:

See Answer to Interrogatory No. 8.03.

ANSWER TO INTERROGATORY NO. 8.05:

Mallinckrodt objects to this Interrogatory as needlessly broad, exceedingly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Inquiry concerning the broad and varied line of non-asbestos-containing products which this defendant made or sold during its corporate existence is not pertinent in this litigation, which concerns alleged exposure to asbestos or asbestos-containing products. Any conceivable probative value the requested information might have would be far outweighed by the needless and enormous burden of providing the information requested regarding numerous different products, which were made by different divisions or operating units of this defendant and are not at issue in this litigation. Mallinckrodt also objects to this Interrogatory for the reasons stated in General Objections (a), (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it was never in the business of making or selling insulation products, regardless of whether or not such products contained asbestos.

ANSWER TO INTERROGATORY NO. 8.06:

Mallinckrodt incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that its former Lavino Division did not market or distribute any asbestos-containing product supplied to it by another company.

ANSWER TO INTERROGATORY NO. 8.1:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence since it relates to products and worksites not at issue with respect to this Defendant in this litigation. Mallinckrodt also incorporates by reference its General Objections (b), (c) and (d). Subject to and without waiving its objections, Mallinckrodt states that the Lavino Division supplied Plastic K-N to the Armco Steel Plant in Middletown, Ohio. Pertinent documentation regarding such sales will be provided.

ANSWER TO INTERROGATORY NO. 8.2:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 8.1. Subject to and without waiving its objections, Mallinckrodt states that it knows of no sales to Armco Steel Plant in Middletown, Ohio by any other company of any product listed in response to Interrogatory No. 5.

ANSWER TO INTERROGATORY NO. 8.3:

Mallinckrodt incorporates by reference its responses to Interrogatory Nos. 8, 8.03 and 8.2 for purposes of this Interrogatory.

ANSWER TO INTERROGATORY NO. 8.4:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 8.1. Subject to and without waiving its objections, Mallinckrodt states that it is not presently knowledgeable concerning the identity of those persons with personal knowledge concerning the referenced sales to the Armco Steel Plant in Middletown, Ohio. Pertinent sales records have been maintained under the custody of counsel for Mallinckrodt.

ANSWER TO INTERROGATORY NO. 9:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence since it relates to products and worksites not at issue with respect to this Defendant in this litigation. Mallinckrodt also incorporates by reference its General Objections (b), (c) and (d). Subject to and without waiving its objections, Mallinckrodt states that one or more sales representatives of its former Lavino Division may have called upon the Armco Steel Plant in Middletown, Ohio. However, now over twenty-three years after the dates of any such visits, Mallinckrodt is not able to reconstruct who may have been on any such visits or when any such visits occurred. Any available documentation pertaining to visits by representatives of the Lavino Division to the Armco Steel Plant in Middletown, Ohio will be produced.

ANSWER TO INTERROGATORY NO. 9.1:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery

of admissible evidence since it relates to products and worksites not at issue with respect to this Defendant in this litigation. Mallinckrodt also incorporates by reference its General Objection Nos. (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that its former Lavino Division did not have managers or sales personnel specifically responsible for sales or installation of asbestos-containing products. The Lavino Division sales personnel were generally responsible for the sale of a broad range of refractory products which, with very limited exception, did not contain asbestos. Mallinckrodt has not been able to reconstruct the identity of all those persons who may at some time have supervised or handled sales of the former Lavino Division in Ohio. However, Mallinckrodt believes that Brad Tucker, a former Vice President of Sales, Robert Schaer, a former sales representative based in the Pittsburgh office of the Lavino Division, and Gordon Baer, a former District Sales Manager, may have knowledge concerning sales in Ohio. Mr. Baer resides at 27013 Bunny Lane in Easton, Maryland. Mallinckrodt does not have a current address for Mr. Tucker or Mr. Schaer.

Mallinckrodt does not have further information at this time with which to respond to this Interrogatory.

ANSWER TO INTERROGATORY NO. 10:

No.

ANSWER TO INTERROGATORY NO. 11:

No.

ANSWER TO INTERROGATORY NO. 12:

Plastic K-N was manufactured at the Plymouth Meeting, Pennsylvania, Gary, Indiana and Newark, California plants of the Lavino Division. At the Plymouth Meeting and Gary plants, this manufacturing occurred between December 30, 1966 and February 28, 1974. At the Newark plant, this manufacturing occurred between December 30, 1966 and when the plant closed, which is believed to have occurred by late 1972 or early 1973.

The LA 1202 metal-encased refractory brick, as specially fabricated to include asbestos-containing paper, was assembled at the Plymouth Meeting, Pennsylvania plant. Mallinckrodt is uncertain as to whether this specially fabricated product was ever assembled at either the Gary, Indiana or Newark, California plants.

ANSWER TO INTERROGATORY NO. 13:

Mallinckrodt incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that its former Lavino Division rebranded Plastic K-N for Babcock & Wilcox Company of Augusta, Georgia and A.P. Green Refractories Company of Mexico, Missouri. The rebranded Plastic K-N contained a tiny asbestos content, less than 1% encapsulated chrysotile by weight, between December 30, 1966 and February 28, 1974. The rebranded product was sold by Babcock & Wilcox as Babcock & Wilcox P.C.O. and by A.P. Green Refractories as Green P.C. Mallinckrodt is not knowledgeable concerning the total amount of Plastic K-N rebranded for either company. It has not located any written agreement governing the rebranding arrangement

with either company.

ANSWER TO INTERROGATORY NO. 13.1:

No.

ANSWER TO INTERROGATORY NO. 13.2:

No.

ANSWER TO INTERROGATORY NO. 14:

Mallinckrodt states that it is not able to reconstruct the identity of each individual who participated in the design, or preparation of manufacturing specifications, for the products listed in response to Interrogatory No. 5. Neither product was originally developed or marketed by Mallinckrodt. However, Mallinckrodt states that Dr. Harry M. Mikami, now deceased, was principally in charge of the formulation of Plastic K-N and, along with Horace N. Hall, was involved in the development of metal-encased refractory brick products, including LA 1202 metal-encased refractory brick.

ANSWER TO INTERROGATORY NO. 15:

Plastic K-N came pre-mixed and was to be applied by whatever small tool or means was appropriate under the circumstances to pack it in place. The product was a pliable, moldable wet mix that could be tamped into place to form a refractory lining. The LA 1202 metal-encased refractory brick, with or without asbestos-containing paper, was to be installed in the roof of an open hearth furnace as received without any cutting, shaping or physical manipulation.

ANSWER TO INTERROGATORY NO. 16:

Neither Plastic K-N nor LA 1202 metal-encased refractory brick with asbestos-containing paper would have released dust containing respirable asbestos fibers when installed by workers.

ANSWER TO INTERROGATORY NO. 17:

Mallinckrodt objects to this Interrogatory as overly broad and vague and for the reasons stated in General Objection (d). Subject to and without waiving its objections, Mallinckrodt states that certain documents regarding the specifications for or design of Plastic K-N and/or LA 1202 metal-encased refractory brick have been retained under the supervision of counsel for Mallinckrodt. Representative samples of these documents will be produced in the event that either product is identified as a source of a plaintiff's exposure.

ANSWER TO INTERROGATORY NO. 18:

Mallinckrodt did not originally design or write the specifications for either product described in response to Interrogatory No. 5. It is not aware that the E.J. Lavino and Company or the former Lavino Division ever conducted testing of the nature referenced in this Interrogatory with respect to these products. Plastic K-N contained a less than 1% encapsulated chrysotile asbestos content by weight and did not emit respirable asbestos fibers during installation or tear-out. LA 1202 metal-encased refractory brick only included asbestos-containing paper when such was specified by the customer. In those instances when asbestos-containing paper was specified, the paper was covered by the metal casing, and the product would not have emitted respirable

asbestos fibers upon either installation or tear-out. Neither product was ever perceived to pose, nor did pose, any work place health hazard by virtue of its tiny chrysotile asbestos content.

ANSWER TO INTERROGATORY NO. 18.1:

Mallinckrodt objects to this Interrogatory as overly broad, vague and not reasonably calculated to lead to the discovery of admissible evidence. Mallinckrodt also incorporates by reference its General Objection (e). Subject to and without waiving its objections, Mallinckrodt states that it is not aware of any animal or human testing of the nature referenced in this Interrogatory conducted by its former Lavino Division with respect to either Plastic K-N or LA 1202 metal-encased refractory brick. Both products had been developed and used years before the Lavino Division first made and sold them.

ANSWER TO INTERROGATORY NO. 19:

Not applicable.

ANSWER TO INTERROGATORY NO. 20:

Not applicable.

ANSWER TO INTERROGATORY NO. 21:

See Answer to Interrogatory No. 18.

ANSWER TO INTERROGATORY NO. 22:

Mallinckrodt objects to this Interrogatory as overly broad, vague, argumentative and improperly assuming inhalation of asbestos fibers by workers using the products in question. Mallinckrodt also incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states

that it will show that workers using either Plastic K-N or LA 1202 metal-encased refractory brick with asbestos-containing paper would not have inhaled asbestos fibers from either product. Mallinckrodt is not aware that studies of the type suggested in this Interrogatory were conducted and will show that there never was any workplace hazard presented by virtue of the tiny chrysotile asbestos content contained within each of these two products.

ANSWER TO INTERROGATORY NO. 23:

See Answers to Interrogatory Nos. 18 and 22.

ANSWER TO INTERROGATORY NO. 24:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 22. Subject to and without waiving its objections, Mallinckrodt states that it is not aware of any dust counts or sampling by its former Lavino Division with respect to any asbestos-containing products in facilities under the control of another company. This was a matter within the control of the employer or premises owner and, pursuant to applicable OSHA regulations, was the responsibility of the employer or premises owner. Mallinckrodt also refers plaintiffs to its Answers to Interrogatory Nos. 18 and 22.

ANSWER TO INTERROGATORY NO. 25:

Mallinckrodt objects to this Interrogatory as overly broad and vague by virtue of its undefined reference to corporate awareness of the particular subject. There is no indication as to whose awareness is to be deemed that of the corporation. Furthermore, it is impossible to state generally, without a more

specific indication of what is meant by corporate awareness, when Mallinckrodt, a corporation comprised of thousands of present or former employees, became aware of something. Subject to and without waiving its objections, Mallinckrodt states that certain personnel at the Lavino Division are believed to have become aware of the reported association between long-term exposure to excessive levels of certain types of respirable asbestos fibers and lung disease upon or shortly after OSHA first regulated the matter of asbestos exposure in the early 1970's. It is not reasonably possible to reconstruct when particular individuals may have first acquired such knowledge or the specific nature of the knowledge acquired.

ANSWER TO INTERROGATORY NO. 26:

See Answer to Interrogatory No. 25.

ANSWER TO INTERROGATORY NO. 27:

Mallinckrodt did not make or sell asbestos-containing insulation products. Its former Lavino Division was in the refractories business. Accordingly, Mallinckrodt did not retain or employ any persons for the purpose of conducting general research on the matter of diseases associated with prolonged exposure to excessive levels of respirable asbestos fibers.

ANSWER TO INTERROGATORY NO. 28:

Mallinckrodt incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that during the time it made or sold the two products referenced in response to Interrogatory No. 5, it did not

maintain a separate medical department or have a medical director.

ANSWER TO INTERROGATORY NO. 29:

Mallinckrodt incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that it is not aware of having received any such recommendations from any industrial hygienist or medical personnel during or prior to the time it operated its former Lavino Division.

ANSWER TO INTERROGATORY NO. 30:

Mallinckrodt incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it has confirmed a subscription to the American Industrial Hygiene Association Journal while it operated the former Lavino Division. However, it has not been able to confirm subscriptions to other publications concerning industrial hygiene or medicine during this period.

ANSWER TO INTERROGATORY NO. 30.1:

Mallinckrodt objects to this Interrogatory as overly broad, vague and ambiguous and for the reasons stated in General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that during the relevant period it was in no way involved with the Mellon Institute regarding any testing by that organization that related to asbestos or potential risks to health from long-term exposure to excessive levels of respirable asbestos fibers. Nor did it receive the results of any such testing.

ANSWER TO INTERROGATORY NO. 30.2:

Mallinckrodt incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that it is not able to reconstruct the identity of professional groups or trade associations in which any engineering, industrial hygiene or medical personnel in its employment at or prior to the time of its former Lavino Division may have held memberships. However, Mallinckrodt did not hold, nor did it sponsor, any membership in any association that was primarily concerned with the mining or selling of asbestos or the manufacture or sale of asbestos-containing products. Specifically, it did not hold or sponsor memberships in the Asbestos Textile Institute, National Insulation Manufacturers Association, Thermal Insulation Manufacturers Association, Quebec Asbestos Mining Association, Asbestos Information Association or Sprayed Mineral Fiber Association.

ANSWER TO INTERROGATORY NO. 31:

Mallinckrodt objects to this Interrogatory as overly broad, vague and improperly assuming the release of respirable asbestos fibers from products made or sold by it. Mallinckrodt also incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it will show that neither of the products referenced in response to Interrogatory No. 5 emitted respirable asbestos fibers as installed or removed. Mallinckrodt is not aware that the former Lavino Division conducted dust counts or sampling with respect to

asbestos-containing products in facilities under the control of another company. This was a matter within the control of the employer or premises owner and, pursuant to applicable OSHA regulations, was the responsibility of the employer or premises owner.

ANSWER TO INTERROGATORY NO. 32:

Not applicable.

ANSWER TO INTERROGATORY NO. 33:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and ambiguous by virtue of its inquiry concerning when this corporate defendant was first advised of the referenced threshold limit values or maximum allowable concentrations. There is no indication as to which specific guidelines adopted by the American Conference of Governmental Industrial Hygienists are the source of this inquiry. In addition, there is no indication as to whose receipt of advice is considered as attributable to the corporation. Accordingly, it is not reasonably possible to state without a more specific indication than provided in this Interrogatory, when Mallinckrodt, a corporation comprised of thousands of present or former employees, may have first become informed of the guidelines referenced in this Interrogatory. Mallinckrodt also incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that it is not able to reconstruct which individual among the thousands employed by it may have first been advised concerning any applicable threshold limit values or maximum

allowable concentration adopted by the American Conference of Governmental Industrial Hygienists.

ANSWER TO INTERROGATORY NO. 33.1:

Mallinckrodt objects to this Interrogatory as overly broad, vague and not reasonably calculated to lead to the discovery of admissible evidence, especially since it broadly applies to any "air sampling dust counts, tests or other activities to determine air quality or worker safety." Mallinckrodt also incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt refers plaintiffs to its Answers to Interrogatory Nos. 22, 24 and 31.

ANSWER TO INTERROGATORY NO. 34:

Mallinckrodt objects to this Interrogatory as overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Information concerning library collections that may have been maintained over the years by Mallinckrodt is not probative of any material disputed issue of fact as to this Defendant in this litigation. Subject to and without waiving its objections, Mallinckrodt states that it never maintained a library of materials that specifically related to asbestos. However, at least from sometime in 1958 to September of 1971, Mallinckrodt maintained a corporate library based in Skokie, Illinois, which was subsequently moved in 1975 to Terre Haute, Indiana. During the period Mallinckrodt owned the Lavino Division, this library undoubtedly contained some reference materials relating to "industrial hygiene, medicine, safety and engineering and/or

research" but it is not possible to reconstruct the contents of the corporate library at that time - which was over twenty-two years ago.

ANSWER TO INTERROGATORY NO. 35:

No.

ANSWER TO INTERROGATORY NO. 36:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 25. Subject to and without waiving its objections, Mallinckrodt states that it is not able to reconstruct when any particular employee of its might have first become aware of reports of the studies referenced in this Interrogatory.

ANSWER TO INTERROGATORY NO. 36.1:

Mallinckrodt incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it is not aware that it ever has contracted with the Saranac Laboratories to study or analyze any dust emissions, or any alleged hazards from dust emissions, with respect to any product made or sold by the former Lavino Division.

ANSWER TO INTERROGATORY NO. 36.2:

See Answer to Interrogatory No. 36.1.

ANSWER TO INTERROGATORY NO. 37:

Mallinckrodt incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it has not been a member of any trade organization or trade association which was primarily concerned with the mining or sale of asbestos or the manufacture or sale of

asbestos-containing products. Mallinckrodt is not now aware of which companies may have been members of particular trade organizations of which it may have been a member prior to or during the time of its former Lavino Division. Nor is it knowledgeable concerning which particular members of any trade association in which it may have been a member were once engaged in the mining or sale of asbestos fibers or the manufacturing, distribution or sale of asbestos-containing products.

ANSWER TO INTERROGATORY NO. 38:

Not applicable.

ANSWER TO INTERROGATORY NO. 39:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence since it relates broadly to subscriptions to technical and trade association periodicals without reference to the subject matter of those articles. Mallinckrodt also incorporates by reference its General Objections (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it is aware of a subscription to the American Industrial Hygiene Association Journal while it owned its former Lavino Division but has not been able to confirm subscriptions to other publications concerning industrial hygiene or medicine during this period. Mallinckrodt is not knowledgeable concerning the identity of any articles that discussed potential health hazards associated with long-term exposure to excessive levels of respirable asbestos fibers and that were printed, or withheld from printing, in any

trade association periodicals to which it may have subscribed.

ANSWER TO INTERROGATORY NO. 40:

Mallinckrodt is not aware of ever having sponsored prior to 1975 any meeting, seminar or conference of this type. Mallinckrodt is not knowledgeable concerning whether any employee of its prior to 1975 attended a meeting, seminar, conference, convention or hearing which dealt with the subject of occupational health and exposure to asbestos.

ANSWER TO INTERROGATORY NO. 41:

Mallinckrodt is not aware that its former Lavino Division published any warnings with respect to the tiny chrysotile asbestos content of the two products referenced in response to Interrogatory No. 5. These two products were never believed to pose, nor did pose, any health hazard by virtue of their tiny chrysotile asbestos content.

ANSWER TO INTERROGATORY NO. 42:

The former Lavino Division prepared or distributed certain product literature concerning Plastic K-N. Mallinckrodt is not aware that any product literature specifically concerning LA 1202 metal-encased refractory brick with asbestos-containing paper was prepared or distributed by its former Lavino Division. It has not located any. Representative product literature concerning Plastic K-N will be produced. Available product literature has been retained under the supervision of counsel for Mallinckrodt. Mallinckrodt does not have further information with which to respond to this Interrogatory.

ANSWER TO INTERROGATORY NO. 43:

See Answer to Interrogatory No. 42.

ANSWER TO INTERROGATORY NO. 44:

Mallinckrodt is not informed as to what written materials concerning either of the products referenced in response to Interrogatory No. 5 may have been provided to any sales representative or other personnel who may have visited the Armco Steel Plant in Middletown, Ohio. See Answer to Interrogatory No. 9.

ANSWER TO INTERROGATORY NO. 45:

Mallinckrodt makes no contention as to whether or not, as a general matter, products that contain asbestos can be manufactured so as to eliminate any potential health hazard associated with the asbestos content of such products. Mallinckrodt contends that, as manufactured and supplied by it, Plastic K-N and LA 1202 metal-encased refractory brick with asbestos-containing paper did not pose any health hazard to the product user by virtue of the tiny chrysotile asbestos content of each product.

ANSWER TO INTERROGATORY NO. 46:

Mallinckrodt incorporates by reference its objection to Interrogatory No. 8.1. Subject to and without waiving its objection, Mallinckrodt states that it is not aware that any warning was provided with respect to any Plastic K-N sold to the Armco Steel Plant in Middletown, Ohio since that product was never perceived to, nor did, pose any health risk by virtue of its tiny encapsulated chrysotile asbestos content.

ANSWER TO INTERROGATORY NO. 47:

Despite a diligent search, Mallinckrodt is not aware of any such filing.

ANSWER TO INTERROGATORY NO. 47.1:

Mallinckrodt left the refractories business effective February 28, 1974, and no longer made any product that contained asbestos. There was no decision specific to the manufacture or sale of products that contained asbestos. Accordingly, there are no documents of the nature described in this Interrogatory.

ANSWER TO INTERROGATORY NO. 47.2:

Mallinckrodt is not aware of any such recall.

ANSWER TO INTERROGATORY NO. 47.3:

Mallinckrodt objects to this Interrogatory as overly broad, vague, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Interrogatory improperly extends to any "occupational disease or pneumoconiosis" and fails to explain what is meant by any "action...to minimize or eliminate...." Mallinckrodt also incorporates by reference its General Objections (a), (b), (c) and (e). Subject to and without waiving its objections, Mallinckrodt states that it cannot meaningfully or reasonably respond to this Interrogatory, as stated.

ANSWER TO INTERROGATORY NO. 47.4:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 47.3. Subject to and without waiving its objections, Mallinckrodt states that it never manufactured any

asbestos-containing insulation product and was not in the business of making or selling asbestos-containing products. By virtue of the refractory operations of its former Lavino Division, Mallinckrodt sold two products that contained a tiny percentage of chrysotile asbestos content by weight. These two products were never perceived to, nor did, pose any health hazard to the product user by virtue of their tiny chrysotile asbestos content. Accordingly, Mallinckrodt is not aware that its former Lavino Division engaged in activity of the type apparently referenced in this Interrogatory with respect to the tiny chrysotile asbestos content of the only two products it ever made with any asbestos.

ANSWER TO INTERROGATORY NO. 48:

Despite a diligent search, Mallinckrodt is not aware that it ever received any such notice prior to 1968.

ANSWER TO INTERROGATORY NO. 48.1:

Mallinckrodt objects to this Interrogatory to the extent that it requests information concerning how documents may have been organized or maintained for purposes of defense of asbestos litigation since this information is protected from disclosure by virtue of the attorney/client and/or work product privileges. Mallinckrodt also incorporates by reference its General Objections (b) and (c). Subject to and without waiving its objections, Mallinckrodt states that records pertaining to the manufacture, sale or use of Plastic K-N or LA 1202 metal-encased refractory brick were kept at and by the Lavino Division only as necessary. Mallinckrodt knows of no formal company-wide document retention

policy which controlled maintenance of these records. No formal document retention policy was issued with respect to operations of Mallinckrodt until after the sale of the Lavino Division assets. Certain records of the former Lavino Division have been located and retained for purposes of pending litigation. Other records of that Division are believed to have been discarded in the normal course of business or transferred with the sale of assets of the Lavino Division. There is no official custodian at Mallinckrodt for any remaining documents of that Division. Mallinckrodt has no further information with which to more fully respond to this interrogatory.

ANSWER TO INTERROGATORY NO. 48.2:

It is not possible for Mallinckrodt to determine, many years after the fact, what documents pertinent to the subject matter of this Interrogatory may have been discarded in the normal course of business. The Lavino Division operations ceased effective February 28, 1974, over twenty-three years ago. Many documents pertinent to those operations were not retained by Mallinckrodt. However, Mallinckrodt certainly has not intentionally discarded any pertinent Lavino Division documents after first being included as a defendant in various claims for personal injury alleged to have resulted from exposure to asbestos-containing products.

ANSWER TO INTERROGATORY NO. 48.3:

Mallinckrodt objects to this Interrogatory to the extent that it requests information concerning how documents may have been organized or maintained for purposes of defense of asbestos litigation since this information is protected from disclosure by

virtue of the attorney/client and/or work product privileges. Mallinckrodt also objects to this Interrogatory as overly broad, unduly vague, ambiguous and seeking speculation and work product information as to what documents "relate to matters relevant to all the preceding interrogatories." Subject to and without waiving its objections, Mallinckrodt states that in the course of its business it has not developed any index that covers pertinent Lavino Division records. Many of those documents that concerned the operation of, or products of, the former Lavino Division were discarded in the ordinary course of business or were transferred to another company upon the sale of the substantial portion of the Lavino Division assets. The Lavino Division has not existed since February of 1974.

ANSWER TO INTERROGATORY NO. 48.4:

Mallinckrodt incorporates by reference its objections to Interrogatory No. 48.3. Subject to and without waiving its objections, Mallinckrodt states that available remaining sales records of its former Lavino Division have been located and maintained under the supervision of counsel for Mallinckrodt for purposes of ongoing personal injury asbestos litigation. Mallinckrodt has not located any document prepared by its former Lavino Division which purports to be an index for purposes of invoices, work orders and/or purchase orders of that Division.

ANSWER TO INTERROGATORY NO. 49:

Mallinckrodt objects to this Interrogatory as overly broad, vague and seeking privileged work product information. Subject to

and without waiving its objections, Mallinckrodt states that it has not obtained any written statement regarding the circumstances of any plaintiff's alleged exposure to any asbestos-containing product or regarding any plaintiff's medical condition other than any obtained through formal discovery in this litigation or from persons identified during formal discovery in this litigation.

ANSWER TO INTERROGATORY NO. 50:

In the event that Mallinckrodt intends to pursue such a contention in any individual case, it will timely provide the basis for any such contention to plaintiffs' counsel. At this time, Mallinckrodt has insufficient information concerning any alleged use by any plaintiff of any product supplied by it to pursue such a contention.

ANSWER TO INTERROGATORY NO. 51:

Mallinckrodt presently has insufficient information to respond to this Interrogatory. Discovery is continuing in this litigation. In the event that Mallinckrodt pursues such a contention in any individual case, the requested information will be timely provided to plaintiffs' counsel. However, to the extent that any plaintiff may have used or been exposed to tobacco products, Mallinckrodt reserves the right to argue the tobacco use or exposure caused that particular plaintiff's injury.

ANSWER TO INTERROGATORY NO. 52:

Mallinckrodt objects to this Interrogatory as overly broad, vague and posing a hypothetical which necessarily would involve expert testimony. Subject to and without waiving its objections,

Mallinckrodt states that it will show that the products listed in response to Interrogatory No. 5, if ever used by any plaintiff, did not emit respirable asbestos fibers. Accordingly, Mallinckrodt does not believe that any respirator, mask or other breathing device was necessary to prevent inhalation of asbestos fibers while working with the two products referenced in response to Interrogatory No. 5. Mallinckrodt is not presently knowledgeable concerning the availability and performance of any respirators, masks or other breathing devices during the time period in question for purposes of avoiding inhalation of respirable asbestos fibers. Mallinckrodt would have to rely upon the knowledge or expertise of persons not presently retained or employed by it to respond to this matter.

ANSWER TO INTERROGATORY NO. 53:

Mallinckrodt objects to subsections (e)-(g) of this Interrogatory as overly broad, burdensome and entailing expert disclosure not required under the law of this State. Subject to and without waiving its objections, Mallinckrodt states that it has not yet made a determination as to which, if any, experts it may call as a witness on its behalf at trial. Once such a determination has been made, Mallinckrodt will timely provide to plaintiffs' counsel (1) the information requested in subsections (a)-(d) and (2) any expert report provided to it for purposes of this litigation.

ANSWER TO INTERROGATORY NO. 54:

Mallinckrodt has not yet made a determination as to which

employees of its, if any, will be asked to render an expert opinion on its behalf at trial. Once such a determination has been made, Mallinckrodt will timely provide the requested information to plaintiffs' counsel.

ANSWER TO INTERROGATORY NO. 55:

Mallinckrodt does not contest the service of process made on it in these cases.

ANSWER TO INTERROGATORY NO. 55.1:

Mallinckrodt objects to this Interrogatory as overly broad, burdensome and requesting disclosure of privileged work product information. Subject to and without waiving its objections, Mallinckrodt states that it has not yet determined which affirmative defense raised in its initial pleading may be pursued at the time of trial.

ANSWER TO INTERROGATORY NO. 56:

Mallinckrodt objects to this Interrogatory as overly broad, vague, ambiguous and as requesting its legal opinion as to which insurance policies might provide coverage for hundreds of different individual cases for which discovery has either just begun or has not yet commenced. Subject to and without waiving its objections, and once further investigation and discovery have been conducted in this litigation, Mallinckrodt will provide a listing of insurance policies that might respond to the claims asserted herein.

ANSWER TO INTERROGATORY NO. 56.1:

Mallinckrodt has not litigated with any insurer potential insurance coverage for product liability claims asserted against it

for alleged injury due to alleged inhalation of respirable asbestos fibers from any product made or supplied by Mallinckrodt.

ANSWER TO INTERROGATORY NO. 57:

Mallinckrodt objects to this Interrogatory as overly broad, unnecessarily vague, ambiguous and requesting speculation and/or its legal opinion as to what are "relevant facts regarding claims and defenses" in this litigation, which entails the claims of hundreds of plaintiffs. Mallinckrodt also objects to this Interrogatory as requesting disclosure of privileged work product information developed by its counsel. Mallinckrodt further objects to this Interrogatory since it cannot intelligently respond to the Interrogatory without plaintiffs specifying in more detail on a plaintiff-by-plaintiff basis the grounds for each claim asserted against it.

ANSWER TO INTERROGATORY NO. 58:

Mallinckrodt last made, sold or supplied a product that contained any asbestos when it left the refractories business effective February 28, 1974.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon plaintiffs' counsel and notice of the foregoing upon all attorneys on the attached service list by regular U.S. Mail this _____ day of _____, 1997.

Thomas L. Eagen, Jr. (0014175)

(SEE ATTACHED LIST)

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Verification

State of Missouri)
)
) ss:
)
County of St. Louis)

I, Roger A. Keller, am Vice President, Secretary and General Counsel of Mallinckrodt Inc., and am duly authorized to execute, under oath and on behalf of Mallinckrodt Inc., Answers to Plaintiffs' Master Set of Interrogatories of Mallinckrodt Inc. ("Answers").

The information set forth in these Answers was collected by corporate personnel and other persons with knowledge of the facts; such information is not necessarily within my personal knowledge. However, on behalf of the corporation, I solemnly affirm under the penalties of perjury, that the foregoing Answers are true to the best of my knowledge, information and belief.

RA Keller

Roger A. Keller

Subscribed and sworn to before me this 16 day of August 1997.

Janet M. Flynn
Notary Public

My Commission Expires:

JANET M FLYNN
NOTARY PUBLIC STATE OF MISSOURI
JEFFERSON COUNTY
MY COMMISSION EXP. OCT. 26, 1998

INTERNATIONAL MINERAL AND CHEMICAL