

MAR-15

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BEVERLY KATHLEEN HORSCH,
INDIVIDUALLY, AND AS PERSONAL
REPRESENTATIVE OF THE HEIRS AND
ESTATE OF PATRICK HENRY
HORSCH, SR., DECEASED,

Plaintiff,

-VS-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

CASE NO. 409994

(JUDGE HARRY A. HANNA)

**DEFENDANT MAREMONT CORPORATION'S RESPONSES TO
PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS****PRELIMINARY STATEMENT**

Maremont Corporation ("Maremont"), One Noblitt Plaza, Columbus, Indiana 47201, incorporated in the State of Delaware, is primarily engaged in the manufacture and distribution of automotive exhaust systems, shock absorbers, MacPherson struts and related hardware and parts.

On or about December 15, 1953, Maremont purchased the assets of a company in Paulding, Ohio, known as Grizzly Manufacturing Company ("Grizzly"). Grizzly manufactured friction products, including brake linings, clutch facings and lined brake shoes. Maremont sold this division on or about June 30, 1977, to Nuturn Corporation, a wholly owned subsidiary of

Turner and Newall, Ltd., except for a 20% interest which was retained by Maremont. The remaining 20% interest was sold to Nuturn on or about April 23, 1982.

Soon after the purchase of Grizzly by Nuturn, Nuturn closed the Paulding facility and transferred the operation to a facility in Smithville, Tennessee. At this time, Maremont does not have in its employ any person or persons who previously worked at the Paulding facility. Furthermore, it appears that very few Maremont employees continued employment with Nuturn.

Very little documentation exists within Maremont concerning the Paulding, Ohio, operation. Any documentation pertaining to the site that was not discarded by Nuturn upon its move to Smithville would presumably be under the custody and control of Nuturn Corporation, now known as Ferodo.

GENERAL OBJECTIONS

1. Maremont objects to plaintiff's document requests on the grounds that they are overbroad, vague, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's document requests have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant. Without waiving this objection and subject to the objections that follow, Maremont is providing information in response to plaintiff's document requests.

2. Maremont objects to plaintiff's document requests on the grounds that they improperly attempt to shift the burden of establishing product identification and causation from plaintiff to Maremont.

3. Maremont objects to plaintiff's document requests to the extent they seek information relating to sales of asbestos-containing products by Maremont to any entity or entities other than entities specifically identified by plaintiff as having been in the chain of distribution of an asbestos-containing product from Maremont to plaintiff or plaintiff's employers.

4. Maremont objects to plaintiff's document requests to the extent they seek information protected from discovery by the attorney-client privilege or the work product doctrine.

5. Maremont objects to plaintiff's document requests to the extent they seek disclosure of information generated by persons other than Maremont that has come into the possession of Maremont's counsel during the course of discovery and trial preparation in asbestos-related litigation.

6. Maremont objects to plaintiff's document requests to the extent they seek information relating to products of other companies.

7. Maremont objects to plaintiff's document requests to the extent they seek information subsequent to Maremont's ceasing production of any asbestos-containing product.

8. Maremont objects to plaintiff's document requests to the extent they seek information that is not under Maremont's custody or control or which is within the public domain or otherwise equally available to plaintiff as to Maremont.

9. Many of the events about which plaintiff's document requests inquire occurred forty or more years ago. Accordingly, each response that follows is qualified by the fact that

through the passage of time, information and documents that once existed may no longer be available.

10. Maremont does not concede that any of its responses to plaintiff's document requests are or will be admissible evidence at a trial of this action, and Maremont does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

11. To the extent applicable, Maremont incorporates by reference each of its objections in each response that follows and reserves the right to amend or supplement its responses to plaintiff's document requests to reflect information which may become available to it up until the time of trial.

OBJECTIONS TO DEFINITIONS

1. Maremont objects to the definitions supplied by plaintiff with regard to these document requests on the grounds that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words. These definitions constitute an unreasonable expansion of the requests themselves. Maremont has therefore responded to the document requests in the manner consistent with a normal understanding of the language used in the response and to the extent necessary to fairly and fully respond to the interrogatories and requests.

2. Maremont objects to plaintiff's definitions on the grounds that the terms "asbestos-containing" and "asbestos products" are so broad, vague, ambiguous, uncertain, and

call for speculation, that Maremont cannot determine the precise nature of the information sought, and therefore cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

3. Maremont objects to plaintiff's definitions to the extent those definitions and instructions request Maremont to make any inquiry beyond that which is required by the Maryland Rules of Procedure or to the extent they seek to include documents not within Maremont's custody or control.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph or picture of each asbestos-containing product that Defendant has ever mined, manufactured, sold, marketed, installed, and/or distributed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 2:

Please produce a true and correct copy of each document which reflects sales of those asbestos-containing products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 3:

Please produce a true and correct copy of each document which reflects sales of Defendant's asbestos-containing products to companies that may have distributed, packaged, labeled, and/or sold Defendant's asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 4:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 5:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to distributors and marketers who may have called on any of the job sites listed on Exhibit A, attached hereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 6:

Please produce a true and correct copy of each contract and/or work order that reflects contracts for Defendant to have asbestos-containing products installed or removed at any of the job sites listed on Exhibit A, attached hereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 7:

Please produce a true and correct copy of each work order and contract that reflects contract business between Defendant and any of the job sites listed on Exhibit A, attached hereto, for the application of asbestos-containing products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 8:

Please produce a true and correct copy of each document relating to the design and preparation of the-asbestos-containing products listed in Defendant's answer to Interrogatory No. 5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 9:

For each product listed in response to Interrogatory No. 5, please produce a copy of all tests that were conducted to determine any potential health hazards involved in its use or exposure (this Request for Production relates to Plaintiffs' Interrogatory No. 18 previously

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 10:

Please produce a true and correct copy of all documents relating to the testing of any product which Defendant listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 19 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 11:

Please produce a true and correct copy of all tests which Defendant conducted and/or has in its possession to determine potential health hazards involved in the use of or exposure to asbestos products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 21 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 12:

Please produce a true and correct copy of all studies which Defendant conducted or caused to be conducted concerning the effects of the inhalation of asbestos dust and/or fibers in workers or other persons using, working with and/or around, installing and/or applying any of the asbestos products mined, manufactured, sold, distributed, marketed, installed and/or relabeled for distribution by Defendant or Defendant's predecessor (this Request for Production relates to Plaintiffs' Interrogatory No. 22 previously propounded to Defendant in this litigation).

RESPONSE TO DOCUMENT REQUEST NO. 12:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 13:

Please produce a true and correct copy of all documents relating to any studies made or caused to be made by Defendant, to determine whether the asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant or Defendant's predecessor would be hazardous to people (this Request for Production relates to Plaintiffs' Interrogatory No. 23 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 14:

Please produce a true and correct copy of all tests in the field which Defendant conducted or caused to be conducted 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 (this Request for Production relates to Plaintiffs' Interrogatory No. 24 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

TO produce

REQUEST FOR PRODUCTION NO. 15:

Please produce a true and correct copy of each test which Defendant conducted or caused to be conducted regarding the quantity, quality, or threshold limit value of asbestos dust, fibers, and/or particles to which workers were exposed while using, working with and/or around, installing and/or applying Defendant's asbestos-containing products (this Request for Production relates to Plaintiffs' Interrogatory No. 31 previously propounded to Defendant in this litigation).

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

TO produce

REQUEST FOR PRODUCTION NO. 16:

For each product listed in response to Interrogatory No. 5, please produce a true and correct copy of all promotional or sales material including, but not limited to, brochures, pamphlets, catalogs, packaging, or other written materials of any kind or character.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 17:

Please produce a true and correct copy of all warnings, cautions, caveats or directions concerning the possible health effects of the products listed in response to Interrogatory No. 5 (this Request for Production relates to Plaintiffs' Interrogatory No. 41 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

See response to Request for Production No. 5.

REQUEST FOR PRODUCTION NO. 18:

Please produce a true and correct copy of all written materials prepared by Defendant or Defendant's predecessors or any of Defendant's subsidiaries indicating how the products listed in response to Interrogatory No. 5 should be used or maintained by the ultimate user (this Request for Production relates to Plaintiffs' Interrogatory No. 43 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

See response to Request for Production No. 5. *mm*

REQUEST FOR PRODUCTION NO. 19:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products mined, manufactured, sold, marketed, installed, or distributed by Defendant (this Request for Production relates to Plaintiffs' Interrogatory No. 48 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 20:

Please produce a true and correct copy of statements from all people with knowledge of relevant facts to this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 21:

Please produce a true and correct copy of all documents which mention, allude or refer to tests performed on breathing devices to prevent the inhalation of asbestos dust and/or fibers (this Request for Production relates to Plaintiffs' Interrogatory No. 52 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties. *TRP*

REQUEST FOR PRODUCTION NO. 22:

Please produce a true and correct copy of all reports by experts that Defendant may call upon at the trial of this case (this Request for Production relates to Plaintiffs' Interrogatory No. 53 previously propounded to Defendant).

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

See general objections. Maremont also objects to this request to the extent it seeks disclosure of information protected by applicable privileges and immunities. Subject to the general and specific objections, and without waiving same, Maremont has not determined yet what expert witnesses it may call at trial. Maremont will supplement this response at such time or in accordance with a scheduling order or agreement between the parties.

REQUEST FOR PRODUCTION NO. 23:

Please produce a true and correct copy of all policies of insurance under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which

may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 24:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming an injury or had sustained an abnormal x-ray reading as a result of using asbestos-containing products, regardless of the manufacturer or seller of the products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 25:

Please produce a true and correct copy of all documents, correspondence or communications pertaining to all marketing, sales, negotiations, delivery or distribution of all of your asbestos-containing or industrial insulation products to all Defendants to this lawsuit other than the answering Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 26:

Please produce a true and correct copy of all documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos-containing products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 27:

Please produce a true and correct copy of all annual reports of Defendant to employees or stock holders for the years 1960 through 1969 and for the past five years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 28:

Please produce the originals or true and correct copies of all safety or health manuals, pamphlets or brochures issued by Defendant between 1930 and the present and any documents relating to whom said manuals were issued.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

*Safety
manuals*

REQUEST FOR PRODUCTION NO. 29:

Please produce a true and correct copy of all safe workplace practices manuals, pamphlets or brochures issued by Defendant from 1900 through the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 30:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Industrial Health Foundation or the Industrial Hygiene Foundation in the custody, possession or control of Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 31:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Trudeau Institute and Saranac Lake Laboratory in the custody, possession or control of Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 32:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA) in the custody, possession or control of Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 33:

Please produce a true and correct copy of all documents referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA) in the custody, possession or control of Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 34:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA) in the custody, possession or control of Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 35:

Please produce a true and correct copy of all documents relating to any conferences, symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; industrial hygiene; and/or worker or workplace health or safety.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 36:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos exposure.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in

Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 37:

Please produce a true and correct copy of all documents to and/or from Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 38:

Please produce a true and correct copy of all documents to and/or from Defendant involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in

Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 39:

Please produce a true and correct copy of all photographs, pictures, prints or any visual depiction at any time generated showing workers or any person or persons installing, applying, removing or in any manner handling or utilizing an asbestos-containing product at any time manufactured, sold or distributed by Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 40:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product manufacturing facility or asbestos-containing product or product line.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 41:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by Defendant of any asbestos-containing product from any other Defendant in this case or to any other Defendant in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 42:

For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, the cross-claims or counter-claims of any party against Defendant, produce each and every document which will be offered to prove each and every affirmative defense. For each and every allegation of Defendant in cross-claims) asserted by Defendant in this litigation, produce each and every document which will be offered to prove each and every allegation in Defendant's cross-claim(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials in Maremont's possession that will be made available to plaintiff at a time and place to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 43:

Please produce a true and correct copy of every transcript of testimony of each witness Defendant intends to call at trial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

See general objections. Maremont also objects to this request to the extent it seeks disclosure of information protected by applicable privileges and immunities. Subject to the general and specific objections, and without waiving same, Maremont has not determined yet what witnesses it may call at trial. Maremont will supplement this response at such time or in accordance with a scheduling order or agreement between the parties.

REQUEST FOR PRODUCTION NO. 44:

Please produce a true and correct copy of each and every medical record in the custody, possession or control of Defendant relating to Plaintiffs in this case other than those medical records produced by Plaintiffs and provided to Defendants in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 45:

Please produce a true and correct copy of each and every document or other tangible item upon which Defendant will rely for impeachment or rebuttal purposes in the trial of this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

See general objections. Maremont also objects to this request to the extent it seeks disclosure of information protected by applicable privileges and immunities. Subject to the

general and specific objections, and without waiving same, Maremont has not determined yet what documents it may rely upon for impeachment or rebuttal purposes at trial.

REQUEST FOR PRODUCTION NO. 46:

Please produce a true and correct copy of each and every document, recording or other tangible item that constitutes in whole or in part a statement by Plaintiffs or a statement by any of Plaintiffs' witnesses in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 47:

Please produce a true and correct copy of each and every photograph, videotape recording or other tangible item that is a photographic representation of Plaintiffs in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 48:

Please produce a true and correct copy of all work records or other tangible items relating to Plaintiffs or their employers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

See general objections. Maremont also objects to this request on the grounds that it is

overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 49:

Please produce a true and correct copy of every transcript, affidavit or sworn statement by each and every witness called by Defendant in any litigation related to insurance that may cover the claims in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

See general objections. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 50:

For each document for which any privilege is asserted, produce an index containing the following information:

- (a) Author of document;
- (b) Position, title or affiliation of author;
- (c) Date of document;
- (d) Each recipient of the document
- (e) The position, title or affiliation of each recipient of the document;
- (f) The subject matter of the document with sufficient specificity to determine the matters discussed therein; and
- (g) The privilege(s) asserted.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Subject to the foregoing general objections, and without waiving same, Maremont will provide plaintiff with a privilege log in a manner consistent with Ohio Civil Rules and to be agreed upon between the parties.

REQUEST FOR PRODUCTION NO. 51:

If Defendant claims that the documents are too voluminous to produce as requested, provide the following:

- (a) The numerical amount of documents responsive to requests herein;
- (b) The method of storage of documents responsive to requests herein;
- (c) The method of organization of documents responsive to requests herein;
- (d) The location of documents responsive to requests herein;
- (e) Whether there is an index or indices, lists, inventories, or other such information for records responsive to requests herein;
- (f) If there is an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is printed, or electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.).

- (g) If the index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.), the method of such storage and software used to create and/or maintain said an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Maremont makes no such claim.

REQUEST FOR PRODUCTION NO. 52:

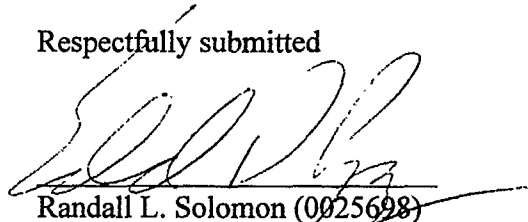
If any answer to requests herein is subject to an ongoing investigation or continuing discovery, provide the following information:

- (a) The person or persons responsible for the ongoing investigation or continuing discovery;
- (b) The means or methods used or being used for the ongoing investigation or continuing discovery;
- (c) The beginning date of such ongoing investigation or continuing discovery.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

See general objections. Maremont also objects to this request on the grounds that it is vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont reserves its right to amend or supplement its responses to plaintiff's document requests to reflect information that may become available to it until the time of trial.

Respectfully submitted



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Kathleen Pettingill (0013443)

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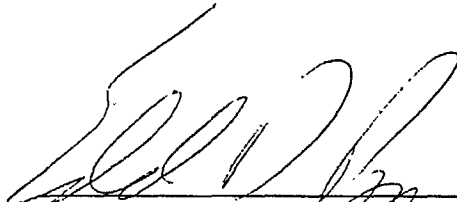
Cleveland, Ohio 44114-3485

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via Federal Express mail to
Ladd Gibke, Baron & Budd, The Centrum, STE 1100, 3102 Oak Lawn Avenue, Dallas, TX
75219 this 14th day of May, 2001.

Respectfully submitted,



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