

STATE OF INDIANA
IN THE LAKE SUPERIOR COURT CIVIL DIVISION
CAUSE NO. 45D01 9801 CT 00045

PLAINTIFF'S EXHIBIT

RFP-1

EDWIN GOOTEE,

Plaintiff,

vs.

A-BEST PRODUCTS CO., A.P. GREENE SERVICES, INC., A.W. CHESTERTON, INC., ABEX CORPORATION, ACandS, INC., AMERICAN STANDARD, INC., ANCHOR PACKING COMPANY; BBC BROWN BOVERI, BMI REFRACTORIES, BEAZER EAST (f/k/a Koppers), DRESSER INDUSTRIES, INC., EATON CORPORATION, ERICSSON, INC., ESSEX WIRE CORPORATION, FAIRBANKS MORSE ENGINE, FLINTKOTE COMPANY, FOSTER WHEELER CORPORATION, G.W. BERKHEIMER, GARLOCK, INC., GENERAL MOTORS CORPORATION, GENERAL REFRACTORIES CO., GEORGIA-PACIFIC CORPORATION, GERBER PLUMBING FIXTURES CORPORATION, GRANT WILSON, GREENE, TWEED & COMPANY, GRIFFIN WHEEL CO., KERITE COMPANY, LEXINGTON PRECISION CORPORATION, MELRATH GASKET, INC., MOBIL-OIL CORPORATION, MUNCIE RECLAMATION, McCORD GASKET COMPANY, NIBCO, INC., OKONITE COMPANY, OWENS-CORNING FIBERGLAS CORP., PLASLCK CORPORATION, PLIBRICO SALES & SERVICE, RAILROAD FRICTION PRODUCTS CORPORATION, RAPID AMERICAN, RUTLAND FIRECLAY, SELBY BATTERSBY AND COMPANY, SEPCO CORPORATION, SQUARE D COMPANY, TRANSIT AMERICA, INC., UNIROYAL, INC., USX CORPORATION, VELLUMOID, INC., W.R. GRACE & CO. - CONN., and WESTINGHOUSE ELECTRIC CORPORATION,

Defendants.

**RESPONSE OF DEFENDANT RAILROAD FRICTION PRODUCTS CORPORATION
TO PLAINTIFF'S MASTER MANUFACTURER/DISTRIBUTOR INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant Railroad Friction Products Corporation ("RFPC" or "this Defendant") responds to Plaintiff's Master Manufacturer/Distributor Interrogatories and Requests for Production of Documents as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

This Defendant's Response to each of these Master Interrogatories and Requests for Production incorporates this Preliminary Statement and these General Objections.

This Defendant supplied COBRA® high friction composition railroad brake shoes. It is not, nor has it ever been, a manufacturer of asbestos products or asbestos-containing insulation. As a result, its responses to these discovery requests apply only within that scope and context. To the extent that these Master Interrogatories and Requests for Production call for information outside of that scope and context, this Defendant objects on the ground that such Master Interrogatories and Requests for Production are overly broad, unduly burdensome, seek information neither relevant nor material to the subject matter of this case, and are not reasonably calculated to lead to the discovery of relevant, admissible evidence.

The information used in responding to these Master Interrogatories and Requests for Production was assembled by authorized employees and counsel for this Defendant and was derived primarily from an ongoing review of records and from ongoing discussions with this Defendant's past and present employees. Because much of the information is of, or relates to, events of many years ago, it is difficult, if not impossible, for this Defendant to retrieve or reconstruct some of the requested information. Many of the individuals who might have had personal knowledge of the matters to which Plaintiff's discovery relate are deceased or are otherwise unavailable to Defendant, and investigations to date indicate that at least some information and documents which might relate to matters inquired into by Plaintiff's discovery may have been destroyed pursuant to Defendant's normal record retention policy or are otherwise unable to be found. Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of such information or documents and Defendant also is engaged in a continuing investigation with respect to the matters inquired into by Plaintiff's discovery. Therefore, this Defendant reserves the right to amend these Responses if new or more accurate information becomes available, or if errors are discovered. Furthermore, these Responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these Responses as a result of mistake, error or oversight.

Moreover, in responding to these Master Interrogatories and Requests for Production, this Defendant does not concede the relevancy, materiality or admissibility of any information sought by the discovery requests or any responses thereto. These responses are made subject to and without waiver of any questions or objections as to the competency, relevancy, materiality, privilege or admissibility of evidence, documents, or information referred to herein, or the subject matter thereof, in any proceeding, including trial.

This Defendant makes the following additional General Objections to these Master Interrogatories and Requests for Production:

GENERAL OBJECTION NO. 1:

This Defendant objects to those Master Interrogatories and Requests for Production that request information regarding the ultimate sale or distribution of products distributed or sold by this Defendant other than to railroads which the Plaintiff served or with which he worked, and which may not lead to the discovery of admissible evidence regarding product shipments that may have been utilized at jobsites where Plaintiff is claiming exposure, because information sought regarding other sales or distribution of this Defendant's products is irrelevant and immaterial and not reasonably calculated to lead to the discovery of relevant, admissible evidence.

GENERAL OBJECTION NO. 2:

In light of the breadth of Plaintiff's inquiries and the fact that information is sought for a virtually unlimited time period, it is essentially impossible for this Defendant to conduct a complete search for the information sought. Further, even a limited search will be prejudicially time-consuming and costly. This Defendant no longer has, or never had, many of the documents required to respond to these Master Interrogatories and Requests for Production. Therefore, this Defendant objects to Plaintiff's Master Interrogatories and Requests for Production on the foregoing grounds. In searching for information or documents responsive to Plaintiff's Master Interrogatories and Requests for Production, this Defendant has undertaken searches of its files that appear reasonably calculated to contain documents, if documents do exist, relevant to the facts of the above-captioned cases.

GENERAL OBJECTION NO. 3:

This Defendant objects to these Master Interrogatories and Requests for Production to the extent that they seek information subject to the attorney-client privilege or which constitute protected work product.

GENERAL OBJECTION NO. 4:

This Defendant objects to each discovery request to the extent that it calls for proprietary and/or confidential business information and, as such, is protected from disclosure as trade secret information. This Defendant's responses to these Master Interrogatories and Requests for Production are made without waiver of any such privilege or protection against disclosure.

GENERAL OBJECTION NO. 5:

This Defendant objects to the definitions of "Defendant" and "You" provided in these Requests as overly broad and misleading. This Defendant will respond only on behalf of the corporation served with process in this action.

GENERAL OBJECTION NO. 6:

Plaintiff's requests are not product and defendant specific, nor are they limited to Plaintiff's places of employment and corresponding time periods and, as such, Defendant objects on the grounds that the requests are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence.

GENERAL OBJECTION NO. 7:

Defendant objects to any Interrogatory that purports to impose upon it any obligations not expressly set forth in the Indiana Rules of Civil Procedure.

RESPONSES TO MASTER INTERROGATORIES

INTERROGATORY NO. 1: Data Sources

Please identify each person with whom you consulted or who provided information used in answering these Interrogatories on behalf of Defendant. Additionally, provide the subject matter category that each person provided information for from the following categories if appropriate:

1. Corporate History
2. Product Information
3. Warnings/Knowledge of Potential Danger/State of the Art/Testing/Medical or Scientific

Identify each person's:

- A. Address;
- B. Position with the Defendant;

RESPONSE:

See Preliminary Statement. As noted therein, the information used in responding to these Interrogatories and Requests has been assembled by authorized employees and counsel and was derived primarily from an ongoing review of records and from ongoing discussions with this Defendant's past and present employees. However, the following individual was consulted in connection with these particular responses:

David T. Kerr
Consultant
P.O. Box 62
Wilmerding, Pennsylvania 15148

INTERROGATORY NO. 2: Corporate Information

Please state the following:

- A. This defendant's correct corporate name;
- B. The state of your incorporation;
- C. The address of your principal place of business;
- D. The dates and time period during which defendant held a certificate of authority to do business in the states of Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan.
- E. The dates and time period during which defendant regularly conducted business in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio and Michigan.

RESPONSE:

Defendant objects to this Interrogatory to the extent it is not limited to geographic areas at issue in this litigation. Without waiving such objections, Defendant states as follows:

Railroad Friction Products Corporation is the correct corporate name. It was incorporated in Delaware in 1954 and has its principal place of business in Wilmerding, Pennsylvania.

RFPC registered to do business in Illinois on December 29, 1954 and in Missouri on June 29, 1965. It is not registered in the other listed states and has not conducted business in such states.

INTERROGATORY NO. 3: Corporate History

Describe in detail Defendant's complete corporate or business history for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products, including dates of incorporation, mergers, consolidations, reincorporation, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products. In addition:

- A. If defendant or any of its predecessors or subsidiaries at any time purchased or assumed any of the assets and/or liabilities of any corporation or entity which at any prior time engaged in the manufacturing or sale of asbestos-containing products, then please state the following as to each acquisition:

1. The name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
2. The manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
3. The date of each such acquisition;
4. The state in which each such acquisition was effected;
5. The state law governing each such acquisition if specified by contract; and
6. How the business or financial interest in that corporation or entity ended, if it ended. (e.g. dissolved the company, sold all stock, placed subsidiary in bankruptcy, etc.)
7. List all states where entity is or was registered to do business, including the dates of registration for each state.

RESPONSE:

See General Objections. Defendant specifically objects to this Interrogatory on the grounds that it is vague and overbroad insofar as it refers to "associated business entities." The Interrogatory should be limited to the corporate history of the Defendant served with process in this litigation. Subject to such objections and so limiting its Response, see Response to Interrogatory No. 2. Defendant had no predecessors or subsidiaries.

INTERROGATORY NO. 4: Asbestos/Mining

Did Defendant, prior to 1980, engage in the mining, milling and/or subsequent sale of asbestos fiber? If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;

E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos (Yes or No)?

If Yes state the geographical area into which you claim the asbestos was sold; and,

F. Identify the organizational unit of Defendant so engaged.

G. Type of asbestos mined.

H. Managers of each mine and years of service.

I. Identify sales and shipment records from each mine.

RESPONSE:

No.

INTERROGATORY NO. 5: Asbestos/Manufacture

Has Defendant at any time, engaged in the manufacture of any asbestos containing product, or a component part of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan? If so, please state:

A. The date such activity began;

B. The years during which such activity took place;

C. The date when such activity was terminated;

D. If such activity was terminated, the reason;

E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos containing products or component parts of any asbestos containing products (Yes or No)?

If Yes state the geographical area into which you claim your asbestos containing products or component parts were sold; and

F. Identify the organizational unit of Defendant so engaged.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Moreover, Defendant

objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products at issue in this litigation or to a time frame or geographic area relevant to this litigation. Without waiving such objections, Defendant has never manufactured any asbestos-containing products or any component of any asbestos-containing product.

INTERROGATORY NO. 6: Asbestos/Sales

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product, or a component part of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan? If so, please state the name of each and every asbestos containing product or component, and:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to your sales of asbestos containing products or component parts (Yes or No)?

If yes, state the geographical area into which you claim you sold asbestos containing products or component parts; and,

- F. Identify the organizational unit of Defendant so engaged.
- G. Identify all sales managers and the years during which they served.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Moreover, Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably limited to a time period, geographic area and product at issue in this litigation and, therefore, this Interrogatory is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant further objects that Plaintiff has failed to identify fully the places, if any, of his alleged exposure to any product of this Defendant. Therefore, it is difficult, if not impossible, for this Defendant to respond with any reasonable particularity.

Without waiving such objections, from 1958 through August 1980, RFPC marketed, sold and distributed within the railroad industry, chrysotile asbestos-containing COBRA® high friction composition railroad brake shoes. The COBRA® shoes were not manufactured by RFPC, but were supplied "as is" with no physical change. From 1958 to 1968, chrysotile asbestos was contained only within the thin backing between the metal plate and the wear stock of the COBRA® shoe. In 1968, the manufacturer added chrysotile asbestos to the wear stock of COBRA® composition shoes. The COBRA® composition brake shoes that contained asbestos contained chrysotile fibers totally encapsulated in a resin and synthetic bond. In 1980, the manufacturer of the COBRA® shoes reformulated their composition and, thereafter, they no longer contained asbestos.

Defendant sold to certain railroad operations in Indiana, Illinois, Missouri, Kentucky and, perhaps, Tennessee and Michigan. It is not presently known whether Defendant made any sales of COBRA® brake shoes to railroad operations in Ohio. Defendant presently has no records to reflect whether sales were made to any particular entities or, indeed, to such states.

INTERROGATORY NO. 7: Asbestos/Distributor

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product, or a component part of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's or component part's trade and/or brand name;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant, or the associated business entity so engaged.
- E. Within the United States was there any geographic limitation which you claim was applicable to each distributor and/or wholesaler (Yes or No)?

If Yes state the geographical area which you claim was applicable to each distributor and/or wholesaler; and,

- F. Whether there was a written distributorship agreement;
- G. Whether the distributorship was exclusive;
- H. Identify all documents pertaining to the distributor or wholesaler relationship and the custodian thereof;

- I. The ratio of sales to distributors compared to direct sales to consumers;
- J. List of sales records or shipments to each distributor or wholesaler.

RESPONSE:

See Objections and Response to Interrogatory No. 6. Without waiving such objections, RFPC was the exclusive distributor of COBRA® high friction composition railroad brake shoes. There was no written distributorship agreement.

INTERROGATORY NO. 8: Asbestos/Rebranding

Has Defendant at any time, engaged in the rebranding of asbestos containing products or a component part of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's or component part's original trade and/or brand name;
- C. Who performed the physical rebranding and where it was accomplished;
- D. The years during which such activity took place;
- E. Brand name and/or trade name after the product was rebranded,
- F. User or seller of the product after rebranding;
- G. Identify the organizational unit of Defendant so engaged.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Defendant further objects to this Interrogatory as overly broad and unduly burdensome. It is not limited to products, time frames and geographic areas relevant to this litigation. Without waiving such objections, as Defendant understands the question, no.

INTERROGATORY NO. 9: Asbestos/Sales to Manufacturer

Has Defendant at any time, engaged in the sale of asbestos containing products, or a component part of any asbestos containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan,

to an unrelated business entity that was engaged in the manufacture of asbestos containing products?
If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's or component part's trade and/or brand name that was sold;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant so engaged;
- E. List each sales office of your asbestos—containing products or component parts and for each please state:
 - (1) Name and address;
 - (2) Geographical areas for which each sales office was responsible;
 - (3) Identify all managers and the years during which they served;
 - (4) Identify all sales personnel and the years during which they served, and describe each person's sales jurisdiction or responsibility;
 - (5) Identify sales records or shipment records for each sales office and the custodian thereof.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Defendant further objects to this Interrogatory as overly broad and unduly burdensome. It is not limited to products, time frames and geographic areas relevant to this litigation. Without waiving such objections, not to present knowledge.

INTERROGATORY NO. 10: Asbestos/Sales to Government or Government Agencies

Did this Defendant ever sell or cause to be sold any of its asbestos-containing products or component parts of any asbestos containing products, identified on exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, to (1) the United States Government; (2) the United States Air Force; (3) Army Air Force; (4) United States Army; (5) United States Navy; (6) United States Marine Corps; (7) General Services Administration; (9) [sic] Department of Defense, or (9) or any other agency operated by the United States Government? If so, please provide the following:

- A. The names and last known address of the governmental agency;

- B. Whether there was a written contract or sales agreement;
- C. Identify all documents pertaining to the governmental contracts or agreements and custodian of said documents;
- D. Whether the formula used for the manufacture of the product or component part was the same as the formula used for the manufacture, sale or distribution of the product or component part to non-governmental customers;
- E. The extent to which sales to governmental agencies were handled through distributors or wholesalers as opposed to direct sales by Defendant;
- F. The extent to which the physical appearance of the product or component part sold or distributed to a governmental agency differed from the physical appearance of the product or component part sold or distributed to non-governmental customers;
- G. The extent to which the packaging and/or labelling of the product or component part sold or distributed to a governmental agency differed from the packaging or labelling of the product or component part sold or distributed to non-governmental customers;
- H. Identify Sales and shipment records for each governmental agency and the custodian thereof.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Defendant further objects to this Interrogatory as overly broad and unduly burdensome. It is not limited to products, time frames and geographic areas relevant to this litigation. Without waiving such objections, not to present knowledge.

INTERROGATORY NO. 11: Asbestos/Sales Through Licensees

If any of this Defendant's asbestos-containing products or component parts, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, reached the consumer through licensees, please provide the following:

- A. The names and last known address of licensees;
- B. The years each licensee was licensed to sell, distribute or manufacture this Defendant's asbestos-containing products or component parts;
- C. Within the United States was there any geographic limitation which you claim was applicable to each licensee (Yes or No)?

If Yes state the geographical areas for which each licensee was permitted to sell, manufacture or distribute this Defendant's asbestos-containing products or component parts; and,

- D. Describe the terms and conditions of each licensee agreement entered into between this Defendant and licensee insofar as manufacture, sale, and distribution of asbestos-containing products or component parts;
- E. List of products or component parts each licensee was permitted to sell or manufacture;
- F. Identify all documents pertaining to the licensee relationship and the custodian thereof;
- G. Whether or not sales to consumers in each area were made exclusively through licensee.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Defendant further objects to this Interrogatory as overly broad and unduly burdensome. Defendant further objects to this Interrogatory on the grounds that the term "licensee" is vague and ambiguous. Defendant further objects that the Interrogatory is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products, time frames and geographic areas relevant to this litigation. Without waiving such objections, as Defendant understands the question, not applicable.

INTERROGATORY NO. 12: Asbestos/Facilities

For the period 1920 to date, or during the period that Defendant mined, manufactured, sold or distributed asbestos containing products or component parts of any asbestos containing products, whichever period is less, state the following regarding each facility that was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for asbestos containing products or component parts;

- A. The name and address of the building, mine, mill or facility;
- B. The inclusive dates the facility was in operation; and,
- C. The function of the facility (e.g., manufacturing, warehousing, mine, sales office, etc.)
- D. Plant managers and years of management;

- E. Name and type of asbestos-containing products or component parts manufactured or processed at each facility;
- F. Identify shipment records for each facility and the custodian thereof;
- G. If asbestos was mined and sold to any other entity besides this Defendant, please provide list of those entities.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products, time frames and geographic areas relevant to this litigation. Without waiving such objections, Defendant distributed COBRA® shoes from Wilmerding, Pennsylvania. Defendant does not currently retain shipment records for chrysotile asbestos-containing COBRA® high friction composition railroad brake shoes, since such brake shoes were last sold in 1980. William Graham, now deceased, was the General Manager for RFPC, during the time frame when the COBRA® shoes contained chrysotile asbestos.

INTERROGATORY NO. 13: Answering Defendant's Asbestos Containing Products

Using the format set out below, answer the following interrogatory. The main purpose of this interrogatory is to first, obtain basic information concerning asbestos-containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, with which the answering defendant and its associated business entities were involved, and second, to identify the number of "Interrogatory Response Sheets" the answering defendant must complete.

Provide the following information for each asbestos-containing products, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, with which this answering defendant was involved:

- A. The name of the associated business entity so involved;
- B. The Product Trade Name of the asbestos product(s) with which the entity was involved (See the definition of "Product Trade Name" at interrogatory number 14(B));
- C. The type(s) of involvement the entity had with asbestos-containing products (See the definition of "involvement" at interrogatory number 14(f));
- D. Identify the inclusive years of each type of product involvement (e.g., If the entity manufactured and distributed the product, list both types of involvement and the years that correspond to such involvement);

Use the following format. Please work through all of the asbestos-containing products with which one associated business entity was involved before working through all of the asbestos-containing products with which a different associated business entity was involved.

FORMAT

(Repeat this format for each product with which each associated business entity was involved)

(a) <u>Associated Business Entity</u>	(b) <u>Product Trade Name</u>	(c) <u>Type(s) of Involvement</u>	(d) <u>Years of Each Type of Involvement</u>
--	--------------------------------------	--	---

EXAMPLE

(a) <u>Associated Business Entity</u> Company Q	(b) <u>Product Trade Name</u> * Product E	(c) <u>Type(s) of Involvement</u> Manufacturer Distributor Labeler Rebrander	(d) <u>Years of Each Type of Involvement</u> 1957-1973 1957-1973 1957-1973 1957-1973
(a) <u>Associated Business Entity</u> Company Q	(b) <u>Product Trade Name</u> * Product F	(c) <u>Type(s) of Involvement</u> Rebrandee Labelee	(d) <u>Years of Each Type of Involvement</u> 1953-1962 1957-1973
(a) <u>Associated Business Entity</u> Company R	(b) <u>Product Trade Name</u> * Product E	(c) <u>Type(s) of Involvement</u> Rebrandee	(d) <u>Years of Each Type of Involvement</u> 1960-1965

* Note that if different entities are involved with the same asbestos-containing products the asbestos-containing product is to be addressed in the responses for each such business entity, including the answering defendant if applicable.

RESPONSE:

Defendant objects to this Request on the grounds that it is vague and ambiguous as to the use of the term "exposure sheets." Defendant is not familiar with such term. Further, Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, vague and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory contains unduly onerous requirements not authorized under the Indiana Rules of Civil Procedure. Moreover, the Interrogatory is an impermissible fishing expedition, which bears no rational relationship to the products at issue in this litigation and to which the Plaintiff claims exposure. Until Plaintiff identifies particular products of this Defendant to which he claims asbestos exposure at particular locations, during particular time frames, then Defendant objects to providing further information. Moreover, the Interrogatory is duplicative. Defendant's responses to previous Interrogatories sufficiently identify this Defendant's "involvement" with asbestos-containing products. Without waiving such objections, see Responses to Interrogatories Nos. 3, 6 and 7.

INTERROGATORY NO. 14: Product Information

Following this page is a proposed "Interrogatory Response Sheet" and definitions, examples and instructions dealing with the completion of this question.

For each and every asbestos-containing products or component part of any asbestos containing product, which generic product type has been previously identified in exposure sheets in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, with which you were involved, as previously identified in responding to the previous interrogatory, please answer the following.

A separate response is to be provided to this question for each and every asbestos-containing products or component part with which the responding defendant was involved.

If different entities were involved with the same asbestos-containing products the asbestos-containing product is to be addressed in a response to this question for each such business entity, including the answering defendant if applicable.

- * For example if pipe covering is a generic product type that has been previously identified in exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, then the answering defendant is to provide information regarding all types of pipe covering manufactured, sold and/or distributed by defendant regardless of whether a specific type of pipe covering manufactured, distributed and/or sold by defendant has been identified in exposure sheets in prior litigation in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan. In contrast if ironing board covers are a product that have not been identified in exposure sheets filed in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan, then the defendant need not provide information regarding this product type.

INTERROGATORY RESPONSE SHEET

A. Associated Business Entity

B. Product Trade Name

C. Product Generic Name

D. Generic Product Type

E. Product Involvement(s)

F. (1) Approximate Asbestos

Content By Weight _____ to _____

Type of Asbestos by %

(2) Approximate Asbestos

Content By Volume _____ to _____

Type of Asbestos by %

G. Product Years _____ | _____ | _____ | _____ | _____

H. Intended Uses

I. Manufacturing Sites _____ | _____
_____ | _____
_____ | _____
_____ | _____

J. Sizes _____ to _____

K. Product Color(s) _____ | _____ | _____ | _____ | _____

L. Product Packaging _____ | _____ | _____ | _____

M. Geographic Limitation (Yes/No)? _____

If Yes, Shipments

Northeast

MA NH ME NY VT RI CT

Mideast

OH VA WV KY

Southeast

FL NC SC TN AL GA MS

Southwest

TX CO NM MT AR AZ LA OK

Midwest

MI IL IN MO WI MN ND DS WY NB KA IA

West

CA NV OR ID WA MT HI AK

East

PA DE NJ MD DC

Other

VI GU PR

N. Product Literature _____

O. Product Picture(s) _____

P. Package Picture(s) _____

P. Product Sample _____

R. Trademark Name(s) _____

S. Patent Number(s) _____

T. Product Alteration _____

U. Product Alteration _____

V. Product Distinguished _____

A. Associated Business Entity _____

Definition:

The name of the business entity as identified in the previous Interrogatory that had any involvement (as defined in Subpart E) with the asbestos-containing product.

Example:

Associated Business Entity The Ruberoid Co.
Associated Business Entity Baldwin-Hill Company
Associated Business Entity None

Instructions:

Complete this interrogatory with the name of an Associated Business Entity that corresponds to this product as disclosed in the previous Interrogatory. Where the answering defendant, rather than an Associated Business Entity, was involved with this asbestos-containing product, type "none" on this line.

B. Product Trade Name _____

Definition:

The full name of the asbestos containing product by which it was marketed. Generally, this would be the name of the product as it appeared on the product, its packaging or its promotional material. Where all, or part of the product name is trademarked, that name should be included in the product trade name.

Instructions:

Where a product trade name represents more than one product, or a line of products, complete separate "Interrogatory Response Sheets" for each such product to the extent reasonable and necessary so as to provide as much information as possible regarding each such product or product line. Where information concerning more than one product or a product line is condensed on one "Interrogatory Response Sheet", explain, on a separate sheet of paper why you did so.

Examples:

Product Trade Name BEH Super Powerhouse Cement
Product Trade Name Gold Bond Asbestone Economy 250
Product Trade Name K-Fac Insulation Blocks
Product Trade Name Armstrong Accobest AS-8073
Product Trade Name Armstrong Accobest AS-474

Further Instructions:

Where the product name is "generic", that is, it does not have a trade name by which it was sold, then list the product's generic name but preface the generic name with the name of the entity most closely associated with that generic product. The entity most closely associated with that product would be the entity's name that would appear with the product, product package, or product promotional literature.

If no such association exists, then the name of the manufacturer of that generic product should be used.

Further Examples:

Product Trade Name Ruberoid Asphalt Saturated Asbestos Weatherproof Jacket
Product Trade Name Amatex Asbestos Woven Tape
Product Trade Name Armstrong Perforated Asbestos Board
Product Trade Name Celotex Perforated Asbestos Board

C. Product Generic Name _____

Definition:

The name by which this type or species of product was routinely called. Generally, this name would be the generic name of a product (without the name of the entity most closely associated with that generic product).

Examples:

Product Trade Name Careystone Asbestos-Cement Siding
Product Generic Name Asbestos Cement Siding

Product Trade Name Gold Bond Asbestone Economy 250
Product Generic Name Corrugated Siding and Roofing

Product Trade Name K-Fac Insulation Block
Product Generic Name Insulation Block

Product Trade Name Armstrong Perforated Asbestos Board
Product Generic Name Perforated Asbestos Board

D. Generic Product Type _____

Definition:

The name by which this group of products was most routinely called.

Examples:

Product Generic Name Insulating Cement

Product Category Cement

Product Generic Name Corrugated Siding and Roofing

Product Category Roofing/Siding

Product Generic Name Hi-temp Block

Product Category Block

Product Generic Name Perforated Asbestos Board

Product Category Board

Further Instructions:

To the extent reasonable, the following categories of products should be used. Where a product fits as readily in one category as another (e.g., corrugated siding and roofing), both categories can be listed as is shown above

CATEGORIES				
Adhesives	Cement Sheets	Friction	Paper	Talc
Automotive Brake	Cement Shingles	Gaskets	Pipe Covering	Tape
Automotive Clutch	Cloth	Home Use	Plaster	Textiles
Block	Clothing	Hot tops	Refractory	Wallboard
Board	Cord	Lumber	Rollboard	Wall Covering
Boiler Cement	Cork Products	Millboard	Roofing	Wick
Cable	Electrical Products	Non Automotive Brake	Rope	Wire
Cement	Felts	Non Automotive Clutch	Siding	
Cement Board	Fiber	Packing	Spray Materials	
Cement Pipe	Floor Tile	Paint	Spackling	

If none of the above categories are appropriate note "other" and use your own words to describe the category of product.

E. Product Involvement(s) _____

Definition:

Any involvement, association, or relationship you had with an asbestos containing product or component part of an asbestos containing product as a miner of asbestos, manufacturer of an asbestos containing product or component part, seller of an asbestos containing product or component part, distributor of an asbestos containing product or component part, rebrander of an asbestos containing product or component part, rebrandee of an asbestos containing product or component part, labeler of an asbestos containing product or component part, labelee of an asbestos containing product or component part, or some other relationship.

Further Definitions:

A miner of an asbestos containing product or component part is any entity that takes asbestos from the earth for commercial sale or distribution.

A manufacturer of an asbestos containing product or component part is any entity that manufactures any product or component part that incorporates asbestos into that product or component part, or who in any way processes or packages asbestos or an asbestos containing product or component part.

A distributor of an asbestos containing product or component part is any entity who ships or in any way directs shipments of any asbestos containing product or component part.

A rebrander of an asbestos containing product or component part is any entity that manufactures processes, or packages asbestos or an asbestos containing product or component part but which places the name of another entity or the name of a product or component part with which another entity is involved on that product or component part or product package.

A rebrandee of an asbestos containing product or component part is any entity for which asbestos or an asbestos containing product or component part is manufactured, processed, or packaged by another entity, which other entity places the name of the rebrandee or the name of a product or component part with which the rebrandee is involved on the product or component part or product package.

A labeler of asbestos or an asbestos containing product or component part is any entity that places its business name anywhere on an asbestos containing product or component part or package that it manufactures, distributes, sells or rebrands for itself or any entity.

A labelee of asbestos or an asbestos containing product or component part is any entity for whom its business name is placed anywhere on an asbestos containing product or package that is manufactured, sold, or rebranded by any entity.

Instructions:

For each asbestos containing product with which you were in any way involved, indicate the type or types of relationships you had at any time with that product, noting on line E the code or codes for such relationship. These involvements should be the same as were listed in the previous interrogatory.

Use the following codes:

Miner (Mr)	Rebrander (Rr)	Labeler (Lr)	Distributor (Dr)
Manufacturer (Mf)	Rebrandee (Re)	Labelee (Le)	Other (Ot)

Examples:

Product involvements Mf Rf Lr Dr
Product Involvements Dr

F. (1) Approximate Asbestos Content by Weight _____ to _____
Type of Asbestos by % _____

Definition:

The usual weight of the asbestos in the product divided by the total weight of the product expressed as a percent. Additionally, provide a listing of all types of asbestos, including contaminants found in the product, as supplied to end users and for each type provide the percentage by weight of each type per unit of product.

Instructions:

Where the asbestos content has varied to any significant degree over time in a particular product, indicate the range of asbestos content in the appropriate section of the answer. If little change occurred over time, write "N/A" in those sections.

In the first part of the answer, whether or not the asbestos content varied, indicate what you believe would be the usual, most representative content over time. In the second part of the answer, note the range of asbestos content over time.

When stating the percent of asbestos by weight, exclude any water added as part of the formulation and in application of the product.

Use the following two letter codes when responding to this interrogatory:

- Cy for chrysotile
- Am for amosite
- Cr for crocidolite
- Tr for tremolite
- Ot for any other type of asbestos
- N/A for not applicable

Example:

Approximate Asbestos Content by weight 10% | N/A to N/A
Approximate Asbestos Content by weight 10% | 3% to 12%

Type of Asbestos by % Cy - 10%, Tr - 1%

(2) Approximate Asbestos Content by Volume _____ to _____
Type of Asbestos by % _____

Definition:

The usual volume of the asbestos in the product divided by the total volume of the product expressed as a percent. Additionally, provide a listing of all types of asbestos, including contaminants found in the product, as supplied to end users and for each type provide the percentage by volume of each type per unit of product.

G. Product Years _____

Definition:

Inclusive dates of all types of involvement with the asbestos containing product, expressed in years.

Instructions:

Indicate in the first half of the space, the year you, or the relevant associated business entity first became involved with the asbestos containing product. On the second half of the space, indicate the last year of involvement with that asbestos containing product.

If the involvement with the asbestos containing product was not continuous through all years, use the additional spaces provided to represent such years of involvement.

If the involvement with an asbestos containing product lasted for only one year or part of one year, note the same year in both halves of the space. If the involvement continues to this time, note "P" for present in the appropriate space.

Type: N/A | N/A (not applicable) on any unused spaces.

Example:

Product Years	<u>1948</u>	<u>1972</u>	<u>1975</u>	<u>1975</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Years	<u>1936</u>	<u>1953</u>	<u>1955</u>	<u>1963</u>	<u>1966</u>	<u>1970</u>	<u>1972</u>	<u>P</u>

H. Intended Uses _____

Definition:

Provide any limitations on the intended use of the product, including the temperature ranges for which the product was recommended.

I. Manufacturing Sites: _____

Definition:

All locations and time periods at and during which the product was manufactured during your involvement with the product.

Instructions:

On the first half of the line indicate the city and state, or city and province or the like, at which the product was manufactured.

On the second half of the line, indicate the inclusive years of manufacture.

Example:

Manufacturing Sites Norfolk, VA | 1940-1970

Manufacturing Sites Milwaukee, WI | 1962-1969
Peoria, IL | 1967-1973

Manufacturing Sites Glendale, IL | 1967-1970
Glendale IL | 1972-1976

Manufacturing Sites Conrad, UT | 1936-1942
Ida, IL | 1942-1950
Ida, IL | 1952-1969

J. Sizes _____ to _____

Definition:

The generally produced sizes and shapes of the product as sold to the end user, noting the smallest to the largest standard sizes. Respond additionally to this interrogatory by providing information as to the packaging of the product when providing information regarding the product's size. (e.g. 25-75 lb. bags of cement, etc.)

Instructions:

In completing this information, note the smallest standard sizes or weights first, then the largest standard sizes or weights.

Use the following abbreviations as appropriate.

- | | |
|-------------------------|---------------------|
| - "C" for circumference | - "L" for length |
| - "D" for diameter | - "P" for pounds |
| - "G" for gauge | - "T" for thickness |
| - "H" for height | - "W" for width |

If the suggested abbreviations are inappropriate, type out the most useful size or weight description on the spaces provided or on a separate sheet of paper, identifying that entry as "Interrogatory Response (14)(J), Sizes" and attach that sheet to the Interrogatory Response Sheet.

Examples:

Sizes D2", L12", T1/2" to D24", L48", T2"

Sizes 10 P sacks to 100 P sacks

K. Product Color(s) _____

Definition:

The basic color(s) of the product. Where the product line had the same basic product in a variety of colors, the five most popular colors or color combinations.

Instructions:

A piece of product may be single-colored or multi-colored. Different pieces of the same product may be designed to show different colors (e.g., floor tile) or the color may have changed from time to time. The above lines are to be completed as follows:

- If the product was one color, complete the first half of the first line only. Note: "N/A" on the second half of the lines, and N/A | N/A on all other lines.
- If the product was one color, but that color changed from time to time, complete the first half of as many lines as there were color changes (up to five). Note: "N/A" on the second half of the lines, and N/A | N/A on all other lines.
- If the product line included multi-colored pieces indicate the two most prominent colors by using both sides of the line. Up to five multi-colored products can be noted.
- If there were more than five colors or five color combinations, note the most frequently made color(s).
- Try to limit your responses by using the following colors. Use the two-letter codes provided. Generally, do not separately identify shades of the same color. If the following colors are inadequate to describe a product color, type in what you believe is the proper color name(s).

- | | | |
|--------------|---------------|---------------|
| - Gray (Gy) | - Blue (Bl) | - Brown (Br) |
| - Black (Bk) | - Violet (Vt) | - Yellow (Yw) |
| - White (Wh) | - Green (Gr) | - Orange (Or) |
| - Red (Rd) | - Pink (Pk) | - Tan (Tn) |

Example:

Product Color(s) Gy | N/A Bk | N/A Wh | N/A N/A | N/A N/A | N/A N/A
 Product Color(s) Gy | Bk Bk | N/A N/A | N/A N/A | N/A N/A | N/A N/A
 Product Color(s) Wh | Rd Wh | Bk Wh | Bl Wh | Yw Wh | Or

L. Product Packaging _____

Definition:

The most frequently used containers in which the product was packaged.

Instructions:

To the extent possible, use the following codes as set forth below in responding to this interrogatory. Where no code is applicable, type the kind of container or packaging. Provide up to five types of containers, listing where known, the most frequently used container first, second most frequently used container, next, etc. Type N/A on any unused line.

Cardboard box (CB)	Metal Drum (MD)	Burlap sack (BS)
Wooden box (WB)	Cardboard drum (CD)	Cloth sack (CS)
Plastic box (PB)	Plastic drum (PD)	Paper sack (PS)
Other box (OB)	Other drum (OD)	Plastic sack (KS)
Bound Bundles (BB)	Pallets (PT)	Other sack (OS)
Wooden Spools (WL)	Paper Spools (PL)	Plastic Spools(PL)
Other spools (OL)		

Example:

Product Packaging	<u>CB</u>	<u>WB</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Packaging	<u>CD</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Packaging	<u>CS</u>	<u>KS</u>	<u>PS</u>	<u>OS</u>	<u>N/A</u> <u>N/A</u>

- M. Within the United States was there any geographic limitation which you claim was applicable to the sale of this product (Yes or No)?

Geographic Limitation (Yes/No)? _____

If Yes state the geographical area which you claim was applicable to this product.

Shipments

Northeast;

MA NH ME NY VT RI CT

Mideast;

OH VA WV KY

Southeast;

FL NC SC TN AL AG MS

Southwest;

TX CO NM UT AR AZ LA OK

Midwest;

MI IL IN MO WI MN ND SD WY NB KA IO

West;

CA NV OR ID WA MT HI AK

East;

PA DL NJ MD DC

Other;

VI GU PR Other

Definition:

Identify those states, possessions, etc. to which your product was ever shipped, was never shipped or it is unknown to you as to whether your product was ever shipped there, if you claim a geographical limitation.

Instructions:

Identify those areas to which you know any product was ever shipped by marking an X on the appropriate line for that state, territory, etc..

Identify those areas to which you know any product was never shipped by marking an 0 on the appropriate line for that state, territory, etc..

Identify those areas about which you have no information as to whether any product was ever shipped by marking a "?" on the appropriate line for that state, territory, etc..

"Other" means any geographical area not identified by the prior abbreviations.

Example:

Shipments:

Northeast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>						
	MA	NH	ME	NY	VT	RI	CN						
Mideast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>									
	OH	VA	WV	KY									
Southeast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>						
	FL	NC	SC	TN	AL	GA	MS						
Southwest;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>?</u>	<u>X</u>					
	TX	CO	NM	MT	AR	AZ	LA	OK					
Midwest;	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	
	MI	IL	IN	MO	WI	MN	ND	SD	WY	NB	KA	IO	
West;	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>?</u>	<u>?</u>					
	CA	NV	OR	ID	WA	MT	HI	AK					
East;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>								
	PA	DL	NJ	MD	DC								
Other;	<u>O</u>	<u>O</u>	<u>O</u>	<u>X</u>									
	VI	GU	PR	Other									

N. Product Literature _____

Definition:

Whether or not you have any product literature of any sort (e.g., promotional literature, ads, catalogue entries, books, etc.) that describes or pictures this product, yes or no.

Examples:

Product Literature Yes

Product Literature No

O. Product Picture(s) _____

Definition:

Whether or not you have care, custody or control over any depictions of this product, and if so, the type of depiction(s).

Instructions:

If you have no depictions of this product, answer "no" in the space provided.

If you do have depictions of this product, indicate the types of depictions you have. Use the following codes and indicate for each type of depiction whether it is a:

- | | |
|-----------------------------|------------------------------|
| - Color Picture (CP) | - Black & White Picture (BW) |
| - Color Sketch (CS) | - Photocopy (PC) |
| - Black & White Sketch (BS) | - Other (OT) |
| - Blueprint (BT) | |

Examples:

Product Picture(s) No

Product Picture(s) BT

Product Picture(s) CP BT BW PC OT

P. Package Picture(s) _____

Definition:

Whether or not you have any depictions of the product packaging and if so, the type of depictions.

Instructions:

In answering this interrogatory, use the codes listed below.

If you have no depictions of this product packaging, answer "no" in the space provided.

If you do have depictions of this product packaging, indicate the types of depictions you have. Use the following codes and indicate for each type of depiction whether it is a:

- | | |
|-----------------------------|------------------------------|
| - Color Picture (CP) | - Black & White Picture (BW) |
| - Color Sketch (CS) | - Photocopy (PC) |
| - Black & White Sketch (BS) | - Other (OT) |
| - Blueprint (BT) | |

Examples:

Package Picture(s) No

Package Picture(s) BT

Package Picture(s) CP BT BW PC OT

Q. Product Sample _____

Definition:

Whether or not you have one or more samples of the asbestos-containing products,
yes or no.

Example:

Product Sample Yes

Product Sample No

R. Trademark Name(s) _____

Definition:

The name of any trademark(s) in any way associated with the product, product packaging, or product literature.

Instructions:

If more than one Trademark is associated with the name of a product (e.g., Gold Bond Ripple-Tone Panels), provide the requested information for each trademark.

Type N/A on any unused lines.

Examples:

Trademark Name(s) Perf-A-Tape K/A

Trademark Name(s) Gold Bond Ripple Tone

S. Patent Number(s) _____

Definition:

The Patent Number(s) of any product or process in any way related to the product itself.

Instructions:

To the extent more than one patent is involved with the product itself, or the manufacture, sale, processing, development, etc. of the product, note the additional patent number on the additional line provided.

Type N/A on any unused lines.

Examples:

Patent Number(s) 3.660.148 N/A

Patent Number(s) 2.573.659 2.529.175

T. Product Alteration _____

Definition:

State whether the product has been altered in chemical composition since first being made. If so, please state as to each such alteration:

- i. The date of the alteration;
- ii. The nature of the alteration;
- iii. The reason for the alteration;
- iv. Identify the person(s) recommending or approving such alteration; and,
- v. Whether there are any studies, evaluations or tests made in connection with the alteration, and if so, identify each such study.

U. State whether the product has been altered or modified in any manner after the product left the answering defendant's possession. If so, please state as to each such alteration or modification:

- i. The identity of the person(s) or entity(ies) who altered or modified the product;
- ii. The date of alteration or modification;
- iii. The nature of the alteration or modification;
- iv. The reason for the alteration or modification;
- v. Whether there are any studies, evaluations or tests made in connection with the alteration, and if so, identify each such study.

State whether the product required any further change or modification before being put to their ultimate use by the user? For example, was there any mixing or cutting that had to be done: If there were any changes or modification whatsoever, state the specific nature of the change or the modification, and if known, by whom they were made.

V. Was it possible to distinguish the asbestos products listed by you from those manufactured by competitors?

1. If the answer is anyway in the affirmative, describe how you contend your product can be distinguished, both as a new product, and as one which is removed after use. Also describe how the products by trade and generic name are distinguishable, and the years in which they can be distinguished.
2. If there were products which could not be, in your opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of the product, who manufactured it, as well as the trade name of the product manufactured by your competitor and the years in which they cannot be distinguished.

RESPONSE:

Defendant objects to the burdensome nature of Plaintiff's request that Defendant complete a "form" devised by Plaintiff and further objects to "coding" its responses as requested, on the grounds that such a request is not authorized pursuant to the Indiana Rules of Civil Procedure and poses an undue burden and expense for the Defendant. Plaintiff's inquiries are without time limit and are not limited to products or places of alleged exposure at issue in this litigation. To respond to the extent and in the manner requested by Plaintiff will be prejudicially time-consuming and unduly expensive for Defendant. The Interrogatory is not limited to a relevant time frame and geographic area, but instead, amounts to a global fishing expedition. The Interrogatory is also duplicative of other Interrogatories propounded by Plaintiff. Further, the Interrogatory is vague and ambiguous in its use of the term "exposure sheets," with which Defendant is not familiar.

Without waiving such objections, RFPC did not manufacture COBRA® high friction composition railroad brake shoes. The shoes were manufactured by Johns-Manville Corporation. Thus, the exact chemical composition thereof is unknown to RFPC. It is known that only chrysotile asbestos fibers were used and such fibers were encapsulated in a resin and synthetic binder. The lining or backing stock was approximately 70% chrysotile asbestos. The wear stock was approximately 0-12% chrysotile asbestos, depending on the model. The COBRA® shoes were intended to be used for temperature ranges of 200-800° F. COBRA® brake shoes bore the COBRA® logo and the name Railroad Friction Products Corporation appeared on the package. COBRA® brake shoes were shipped by box/pallet between 17"x17"x12" minimum and 3'x3'x1' maximum. COBRA® brake shoes were black through 1973 and, from 1974 until 1980, they were red in color. The shoes had a concave braking face to meet the vehicle wheel contour and were 12-16" long, 3½" wide and 1½-2" thick. The brake shoes were intended to be applied to the brake heads of rail vehicles.

RFPC does not currently maintain records which would allow it to identify specific sales to particular railroad entities. RFPC did supply COBRA® railroad brake shoes to certain railroad operations in Indiana, Illinois, Missouri and Kentucky. It is possible, but presently unknown, whether sales were made to railroad operations in Ohio, Tennessee and Michigan. If Plaintiff will properly identify the places of his alleged exposure, if any, to products allegedly sold by RFPC, Defendant may be able to provide further information.

INTERROGATORY NO. 15: Asbestos Free Products

For each asbestos containing product whose trade name is listed in Answer No. 14, state:

- A. Was the product, or a substitute for that product, ever manufactured and/or sold by you without asbestos; if so, when did the sale of the product commence;
- B. Brand name of the asbestos free product;
- C. The reason product was manufactured without asbestos;

- D. Was the asbestos-containing counterpart of said product sold while the asbestos-free counterpart was being manufactured; if so, provide the time periods;

RESPONSE:

When the manufacturer of COBRA® high friction composition railroad brake shoes reformulated the product composition in 1980, this Defendant thereafter marketed and sold the reformulated non-asbestos-containing shoes.

INTERROGATORY NO. 16: Product Development/Design

For each asbestos product referred to in Answer No. 14, or which was sold to any other defendant, state separately;

- A. Was the product manufactured or sold to any entity prior to its being placed on the commercial market;
- B. The date and place where the product was designed and developed;
- C. The identity and last known address of the person or persons responsible for the design or development of the product;
- D. Identity of corporation or other entity responsible for the design or development of the product.
- E. Was the product ever tested prior to its being sold for use by the consumer: If so, provide the identity and present location of all records dealing with these tests (including testing concerning use, application, durability, toxicity, etc.) and the custodian of said records.
- F. The identity of each entity which created or furnished specifications for producing the product.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to a relevant time frame, geographic area or to products at issue in this litigation.

Without waiving such objections, Defendant states as follows: On information and belief, the COBRA® high friction composition railroad brake shoe was designed and developed in the early 1950s, prior to RFPC's existence. Passenger in-service tests were instituted on a limited and controlled basis in 1956, with very limited passenger production sales in 1958-60 and volume sales beginning in 1961. Freight in-service tests began in 1957 on a limited and controlled

basis, with very limited freight production sales in 1958-59, Association of American Railroads (AAR) limited approval beginning in 1961 and AAR unlimited approval in 1964. Locomotive in-service tests began in 1957, on a limited and controlled basis, with very limited production sales in 1958-60 and volume sales beginning in 1961.

Defendant is aware that the following tests were conducted on COBRA® brake shoes:

In 1971, in Wilmerding, Pennsylvania, WABCO conducted a particle emissions study, utilizing dynamometer simulation to determine the maximum fiber emission of COBRA® brake shoes. Those tests confirmed that 99% of the chrysotile asbestos fiber in COBRA® brake shoes was converted to non-harmful forsterite during use. No respirable asbestos fibers were released.

In 1977, Johns-Manville conducted in-service tests on COBRA® high friction composition railroad brake shoes in use in the subway system of Boston, Massachusetts. Those tests confirmed the results of WABCO's dynamometer test. Any fiber release was well below established OSHA limits.

Clayton Consultants also conducted testing on COBRA® brake shoes in 1994, which tests confirmed that no countable asbestos fibers were released during brake shoe handling.

INTERROGATORY NO. 17: Sales Documents

Please state whether you have any documents of any kind indicating or reflecting past sales of one or more asbestos-containing products listed in response to interrogatory 14 including, but not limited to, invoices, orders, purchase records, sales records, confirmations, bills of lading, annual or other periodic summaries of sales or orders, accounts payable or accounts receivable records, etc. If so, describe in detail the different types of documents that you have for each such asbestos-containing product, and state the following as to each type of document:

- A. The items of information contained on it (e.g., date of sale, product, quantity, purchaser, shipment location, price, etc.);
- B. The years of sale encompassed by documents still in existence;
- C. The current location of the documents;
- D. Identify the current custodian of the documents, as well as the current employee most familiar with the codes or system used on the documents:

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to relevant time frames or to products and places of alleged exposure

at issue in this litigation. Without waiving such objections, despite reasonable search and inquiry, no such documents are believed to exist.

INTERROGATORY NO. 18: Sales Offices

Did you ever have any sales offices in Indiana, Illinois, Missouri, Kentucky, Tennessee, Ohio, Michigan that were responsible for distribution and/or sales of asbestos and/or asbestos-containing products listed in responding to interrogatory 14? If so, please state as to each such sales office:

- A. Its address and years of operation;
- B. Identify all managers from 1930 through the present and the years during which they served;

RESPONSE:

No.

INTERROGATORY NO. 19: Fiber Purchases

Please state the name and address of each business entity from whom the Defendant, Defendant's predecessors, Defendant's subsidiaries have ever bought or received raw asbestos fiber.

RESPONSE:

Not applicable.

INTERROGATORY NO. 20: Insurance

For all policies of insurance affording general liability or products liability coverage, including primary policies, excess policies, policies of reinsurance, program of self-insured retention (SIR) and/or policies in which defendant was additionally insured, applicable to injuries allegedly caused by exposure to asbestos and/or asbestos-containing products state:

- A. Insurer: Specify exactly as named in the insurance policy or other evidentiary document of coverage.
- B. Insured: The insured named in the policy.
- C. Policy Period: Refer to the actual period for which the insurance policy is and/or was in effect.
- D. Policy Type: Specify whether primary, excess or self-insured, etc.

- E. Per Occurrence/
Accident Limits: Refer to the limit for any one occurrence or any one accident.
- F. Products
Aggregate: Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily injury, property damage and other covered perils; if so, refer to the combined limit and so indicate.
- G. Products Aggregate
Consumption: The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claims. List such consumption. If applicable the date upon which the policy limits were paid out in full or exhausted.

RESPONSE:

This Defendant claims to have liability insurance coverage, depending on the years of alleged exposure in question, for varying amounts from varying insurers. Insurance available to pay asbestos-related claims is aggregate and dependent upon the time and circumstances underlying each claim and the payments made under each policy. For some claims, no insurance may exist, depending on the date of exposure. RFPC is continuing to analyze the claims made against it and will supplement this response if it is able to accurately assess insurance coverage for those claims.

At present, RFPC is able to state that it may have coverage from Travelers Indemnity Company, USF&G and, perhaps, others.

INTERROGATORY NO. 21: Asbestos\Consultant

Has any person ever served as a consultant (excluding experts retained during the course of litigation), full, or part-time, to defendant in any manner regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos containing product? (the term consultant is meant to include any specialist in the above areas who was at least in part retained for his expertise and opinions in other than a full-time salaried position). If so, please state the following as to each such person:

- A. Identify the person;
- B. The beginning date, ending date, and period of service for the person;
- C. The job duties and/or responsibilities for the person, as well as a summary of the work performed;
- D. The plant address, office address, or duty assignment location for the person for each part of the consultancy;

- E. The reason for retaining the person;
- F. Identify the company official responsible for retaining the person, as well as identify the company officials with whom the person met during the period of the employment of consultancy; and,
- G. State whether documents relating to the employment or consultancy in any way, including contracts, correspondence, publications, reports, status reports, studies, etc., exist and whether or not said documents mention asbestos. Additionally if said documents exist provide the name of the records custodian of said documents.
- H. Policy Number: Specify exactly as contained on the insurance policy or other evidential document of coverage the policy number. Additionally provide the custodian of the policy and/or document.
- I. Insurer
Objection: Specify the bases upon which the relevant insurer refuses to fully pay claims upon demand. If the insurer has not objected to payment or is paying, note N/A.

RESPONSE:

Not to present knowledge.

INTERROGATORY NO. 22: Physician/Consultant

Please state whether or not Defendant ever employed, engaged or retained any physician as a consultant, plant physician or otherwise (excluding experts retained during the course of litigation), in connection with asbestos-related business activities. If so, please state the following as to each such physician:

- A. Identify the physician and give complete dates and places of employment or service;
- B. State the physician's duties and responsibilities;
- C. Identify the company person to whom the physician reported;
- D. State the purpose for which the physician was employed, engaged or retained; and,
- E. State whether documents Pertaining to the physician's professional activities involving asbestos and/or individuals exposed to asbestos exist and the custodian of said documents.

RESPONSE:

Not to present knowledge.

INTERROGATORY NO. 23: Safety/Consultant

Please state whether or not any industrial hygienist, toxicologist, safety director, occupational medical director, physician or consultant in any of the foregoing areas previously identified (excluding experts retained during the course of litigation), ever made at any time any statements, recommendations and/or suggestions to the Defendant pertaining to or relating to asbestos or health hazards from dust or any product. If so, state the following as to each such occasion:

- A. Identify who made the recommendation and/or suggestion;
- B. State the date of the recommendation and/or suggestion;
- C. Identify all company officials who received the recommendation and/or suggestion;
- D. State the substance of the recommendation and/or suggestion; and,
- E. State whether any documents and/or records of oral conversations embodying or pertaining to the recommendation and/or suggestion exist and if so the custodian of said records.

RESPONSE:

Not applicable.

INTERROGATORY NO. 24: Tests/Asbestos

Please state whether Defendant ever conducted or caused to be conducted any tests (whether laboratory or field tests) on any of their or anyone else's asbestos-containing products, including measurements of exposure levels during installation, removal and/or after installation after they had degenerated or decomposed from use, to determine potential or likely asbestos exposure levels during conditions of intended use of the product. If so, please state the following as to each such test:

- A. Identify the person who directed that the test and/or measurement be made and/or conducted;
- B. Identify the person or organization who conducted the test and/or measurement;
- C. Identify where, when and for how long the test and/or measurement was conducted, including the department of the plant or facility involved, as well as its owner and operator;

- D. State the product(s) tested and describe the conditions of the test, including the measurement methodology;
- E. Describe whatever efforts, if any, were used in the test to simulate the various conditions of possible or probable use of the product, such as in confined spaces or tunnels;
- F. State the asbestos exposure levels measured including the ranges measured, median measurement and average measurement;
- G. Identify to whom the test results were reported; and,
- H. Identify all documents pertaining to the test and the custodian thereof.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to a relevant time or to products at issue in this litigation. Moreover, the Interrogatory is argumentative and assumes facts not in evidence. Without waiving such objections, see Response to Interrogatory No. 16.

INTERROGATORY NO. 25: Financial Support/Measurement/Tests

Has Defendant ever conducted, caused to be conducted or financially supported through at least a 10% contribution towards the total cost, any asbestos-related epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analysis, research or studies of any kind (hereafter termed "studies")? If so, please state as to each such study:

- A. Identify who directed or authorized that the study be done;
- B. Identify the person or organization that conducted the study;
- C. State the dates and over what time period the study was done;
- D. Describe the study design and protocol;
- E. State the complete results of the study, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the study and/or its results;
- G. Identify all documents relating to the study and the custodian thereof; and,

- H. State whether the study was ever published, and if so, state the study title and citation.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving such objections, not to present knowledge.

INTERROGATORY NO. 26: Literature Review

Has Defendant ever conducted, caused to be conducted, or financed through at least a 10% contribution towards the total cost, any effort to monitor or review the professional literature regarding the clinical, epidemiologic, toxicologic, industrial hygiene, medical and/or scientific aspects of asbestos and/or products containing asbestos (excluding for the purposes of litigation)? If so, please state the following as to each effort:

- A. Identify who directed or authorized that the effort be done;
- B. Identify the person or organization that conducted the effort;
- C. State the dates and over what time period the effort was done;
- D. Describe the effort design and protocol;
- E. State the complete results of the effort, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the effort and/or its results;
- G. Identify all documents relating to the effort and the custodian thereof; and,
- H. State whether the effort was ever published, and if so, state the effort title and citation.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving such objections, not to present knowledge.

INTERROGATORY NO. 27: Specific Studies/Participation

Did Defendant at any time in any way participate in any of Metropolitan Life Insurance Company's studies of asbestos (conducted approximately between 1929-1940), any Trudeau Foundation/Saranac Lake studies (between 1929-1960), or any Industrial Hygiene Foundation studies (between 1938-1968)? If so, identify each such study in which you were involved and state as to each:

- A. What role or action you took in regard to the study;
- B. Identify all documents related to your involvement in the study and the custodian thereof;
- C. Identify each of your facilities in which any part of the study was conducted and reference your facility to the data reported in the study; and,
- D. Identify each of your officers, supervisors, managers or employees who assisted, participated in or directed your involvement in the study.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving such objections, not to present knowledge.

INTERROGATORY NO. 28: Asbestos Hazard/Notice

Did Defendant at any time prior to 1980 receive, have notice of, acquire or possess any advice, publication, statement, warning, order, directive, letter, memorandum, recommendation or document, written or oral, in any way related to asbestos and health hazards, or which implicitly or explicitly refers to asbestos and health issues. If so, state the following as to each such document and oral conversation, and each such occasion prior to 1980:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. Identify all documents pertaining to the advice, publication, statement, warning, order, directive, letter, memorandum, or recommendation and the custodian thereof;
- C. Identify all company officials and directors who received notice of the existence of the document or oral conversation. For each such oral conversation state the approximate date of said conversation and the parties to said conversation; and,
- D. What action, if any, was taken by you as a consequence of the document or oral conversation.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence.

Without waiving such objections, Defendant is not currently, nor has it ever been, aware of any clinical, epidemiological, toxicological, industrial hygiene, medical and/or scientific literature or study demonstrating that products it sold or distributed caused asbestos-related adverse health consequences. The amount of materials published in both the technical and popular press that discuss possible correlations between asbestos, especially friable, amphibole asbestos, and human health consequences is voluminous. Thus, Defendant is unable to definitively answer on what specific date it first became aware of a possible correlation between asbestos, in particular circumstances, and certain human health consequences. At all relevant times, Defendant kept apprised of the prevailing industry standards and standards of medical art as they related to the operation of Defendant's business. See also Responses to Interrogatories Nos. 16 and 29.

INTERROGATORY NO. 29: Knowledge/Asbestosis

Please state whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and a lung disease known as asbestosis, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired;
- B. As to each such occasion thereafter in which your knowledge as to asbestosis increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of asbestosis state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning the disease asbestosis and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it improperly calls for expert medical opinion. Moreover, RFPC is a corporation, which obtains knowledge only through its employees. When RFPC, as a corporation, obtained any particular knowledge cannot be determined. Moreover, the Interrogatory does not specify what level or type of exposure is claimed to be at issue. The Interrogatory fails to distinguish between different fiber types and ignores important factors such as differences in the friability of asbestos fibers in different products, different uses of asbestos-containing products, different exposures of individuals at different work sites, engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures. Further, the Interrogatory is vague and improperly phrased inasmuch as it seeks information regarding "possibilities," not probabilities. Without waiving such objections, Defendant is generally aware that, depending on the frequency, regularity, proximity and duration of particular exposures to certain levels of certain types of friable asbestos fibers, and assuming an appropriate latency period exists and other causes have been excluded, there may be a possible connection between asbestos exposure and pleural thickening, pleural plaques, asbestosis, lung cancer and mesothelioma. When RFPC first obtained such awareness as a corporate entity cannot be presently determined. At present, it is believed that RFPC became generally aware that certain asbestos exposures might be harmful in the same time frame as did the general public, in the early 1970s. However, COBRA® high friction composition railroad brake shoes did not release respirable asbestos fibers during handling, installation, use or removal in excess of levels established by OSHA and other governmental entities. See also Response to Interrogatory No. 28.

INTERROGATORY NO. 30: Knowledge/Lung Cancer

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and lung cancer, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to lung cancer increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of lung cancer state:
 - (1) when was, this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;

- C. Identify all documents relevant to your acquisition of knowledge concerning lung cancer and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

RESPONSE:

See Objections and Response to Interrogatory No. 29.

INTERROGATORY NO. 31: Knowledge/Mesothelioma

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and mesothelioma, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to mesothelioma increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of mesothelioma state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning mesothelioma and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

RESPONSE:

See Objections and Response to Interrogatory No. 29.

INTERROGATORY NO. 32: Knowledge/Cancer of the Gastrointestinal Tract

Please state whether Defendant ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and cancer of the gastrointestinal tract (i.e. colon, stomach, etc.), in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to cancer of the gastrointestinal tract increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of cancer of the gastrointestinal tract state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning cancer of the gastrointestinal tract and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

RESPONSE:

Subject to and without waiving previously interposed objections, please see Supplemental Response No. 29. Defendant would further state that, on information and belief, an association between the inhalation of asbestos fibers and cancer of the gastrointestinal tract has not been established by the medical and/or scientific communities.

INTERROGATORY NO. 33: Warning/Description

Please provide the following information as to each caution, warning or hazard statement or explanation involving asbestos alleged to have been placed on the products or packaging of asbestos containing products by you?

- A. What was its precise wording;

- B. Where was it located on the product or packaging, and what was the size and color of the lettering.
- C. Has the wording or its presentation ever been altered, and if so, how and when;
- D. The years during which each version of a caution, warning or hazard statement appeared on each individual product identified in responding to interrogatory 14;
- E. Identify all company officers and/or committees who participated in the decision to affix each version of the caution, warning or hazard statement to a product or its packaging, and in particular, identify the prime decision-maker, if any; and
- F. Identify all documents related in any way to each caution, warning or hazard statement and the custodian thereof.

RESPONSE:

Because COBRA® high friction composition railroad brake shoes did not emit respirable asbestos fibers in excess of OSHA or other governmental limits, then no warnings were believed necessary.

INTERROGATORY NO. 34: Warning/Insert

Has Defendant ever placed any form of package insert or informative brochure in a container of an asbestos-containing product, listed in response to interrogatory 14, explaining the hazards of asbestos? If so, state as to each such insert or brochure:

- A. When was it first placed in containers and for what years thereafter;
- B. What products had the insert or brochure included;
- C. Describe the size, shape, color and text of the insert or brochure;
- D. Identify all persons involved in the decision to include the insert or brochure; and,
- E. Identify all company officers and/or committees who participated in the decision to include an insert or brochure, and in particular, identify the prime decision-maker, if any; and
- F. Identify the insert and/or brochure itself and the custodian thereof.

RESPONSE:

No, it was unnecessary, since COBRA® high friction composition railroad brake shoes did not emit harmful levels of respirable asbestos fibers. See Response to Interrogatory No. 33.

INTERROGATORY NO. 35: Warning/Customer

State whether you published and/or otherwise provided any of your distributors and/or customers with any instructions in regard to the asbestos hazards, if any, presented by use of Defendant's asbestos-containing products, other than inserts or labels (i.e. promotional pamphlets, product manuals, specification sheets, sales brochures, etc.) If so, please state:

- A. When such instructions were first given;
- B. By whom and when were these instructions made;
- C. State the specific instructions provided; and,
- D. Identify all oral communications and documents related to these instructions. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

RESPONSE:

No, no asbestos hazards were presented. See Responses to Interrogatories Nos. 33 and 34.

INTERROGATORY NO. 36: Warning/Mask

Has Defendant ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product for later use by persons who would handle and/or be exposed to the product? If so, please state:

- A. The products covered by the practice;
- B. The year this practice began and the years it was implemented;
- C. Describe the type of face mask or respirator included in the container; and,
- D. Identify all oral communications and documents related to this practice. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

RESPONSE:

No. Defendant did not sell "containers" of asbestos-containing products. Moreover, Defendant's products did not emit respirable asbestos fibers in excess of OSHA or other governmental limits and, thus, face masks or respirators were unnecessary.

INTERROGATORY NO. 37: Sales Material

Has Defendant at any time, published and/or distributed any sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents of any kind or character? If so, please:

- A. Identify each such document and the custodian thereof;
- B. State for what period of time you published and/or distributed sales brochures, promotional pamphlets, product manuals, specification sheets, or other written sales material or documents without any form of warnings, cautions, hazard statements or explanations concerning asbestos.

RESPONSE:

RFPC may have published and/or distributed sales brochures, promotional pamphlets or other written sales materials during the time frame in which it sold and distributed chrysotile asbestos-containing COBRA® high friction composition railroad brake shoes. However, due to record retention policies, Defendant does not currently retain any such documents. Since COBRA® high friction composition railroad brake shoes did not emit respirable asbestos fibers in excess of OSHA or governmental limits, then such documents did not contain any warnings, cautions or hazard statement regarding asbestos, since such were unnecessary.

INTERROGATORY NO. 38: Advertisement

If you advertised any of your asbestos-containing products, listed in response to interrogatory 14, in newspapers, magazines, or other publications at any time from 1930 to the present, please state for each such advertisement that contained a warning regarding your products:

- A. The name of the publication in which it appeared, including the date and page number;
- B. A complete transcript of the advertisement and a description of any pictures accompanying it;
- C. The name and address of the person or agency that was responsible for approving each such advertisement;
- D. The name and address of whoever has current custody of the above-described advertising literature; and,
- E. Identify all documents relating to such advertisements and the custodian thereof.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is argumentative, overly broad and unduly burdensome. The Interrogatory is not limited to a relevant time or to products at issue in this litigation. Without waiving such objections, Defendant is unaware of any advertisements for COBRA® high friction composition railroad brake shoes that contained any warning regarding asbestos, inasmuch as such products would not emit respirable asbestos fibers in excess of OSHA or governmental limits.

INTERROGATORY NO. 39: Product Usage/Documents

Has any written material of any kind or character been prepared by Defendant or its agents indicating how your asbestos-containing products should be used and/or maintained (other than information in regards to the hazards, if any, presented by use of the defendant's asbestos containing products)? If so, please state as follows:

- A. Identify all such material and the custodian thereof;
- B. The name, address and job classification of each person who prepared same; and;
- C. The dates and manner in which said material was distributed to purchasers of Defendant's products.

RESPONSE.

See Response to Interrogatory No. 37. Product information materials and labels distributed regarding COBRA® high friction composition railroad brake shoes directed that composition brake shoes not be interchanged with cast iron shoes.

INTERROGATORY NO. 40: Notice/Asbestos Injury

Did Defendant receive notice, prior to 1975, that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold and/or used by you? If so, please state as to each such claim.

- A. The name of the claimant;
- B. The date of notice of the claim;
- C. A description of the claim including the type of exposure experienced by the claimant (e.g., mining, milling, manufacturing, insulating, etc.);
- D. The type of injuries allegedly sustained;

- E. The caption and court, address of the court or workers' compensation file number of the claim;
- F. Identify all documents relating to the claim and the custodian thereof.

RESPONSE:

No.

INTERROGATORY NO. 41: Specific Trade Association

Please state whether Defendant has ever been a member of the following business groups (or group with similar name) , and if so, answer the following as to each group:

- (1) The address of the group;
 - (2) The years during which you were a member;
 - (3) Identify all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership and the custodian thereof.
-
- A. Industrial Health Foundation (or one of its predecessors);
 - B. Asbestos Textile Institute;
 - C. Asbestos Information Association of North America;
 - D. National Mineral Wool Producers Association;
 - E. Asbestos Cement Pipe Producers Association;
 - F. Magnesia Insulation Manufactures Association;
 - G. American Industrial Hygiene Association;
 - H. Brake Lining Manufacturers Association;
 - I. Friction Materials Standards Institute, Inc.;
 - J. Asbestos Brake Lining Manufacturers Institute;
 - K. Quebec Asbestos Mining Association;

- L. Institute of Occupational and Environmental Health of Quebec Asbestos Mining Association;
- M. American Society for Testing and Materials;
- N. Grinding Wheel Institute;
- O. Trudeau Foundation;
- P. National Safety Council;
- Q. National Insulation Manufacturers Association; and,
- R. The Refractories Institute;

RESPONSE:

Defendant has not ever been a member of any of the listed business groups, to present knowledge.

INTERROGATORY NO. 42: Library

Please state whether Defendant ever maintained any form of library or collection of books and publications. If so, state the following as to each such library:

- A. The original location of the library, including the building in which it was located;
- B. The years during which the library was in operation;
- C. The offices, plant facilities, departments or other organizational units serviced by the library;
- D. Identify each custodian of the library or librarian as well as the years of his service as librarian;

RESPONSE:

No.

INTERROGATORY NO. 43: Testimony

If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency, published any articles, or made

any written statements concerning asbestos exposure, pulmonary or asbestos related diseases or industrial hygiene relating to asbestos use, state:

- A. The name, address and title of each person;
- B. The date, location and forum of such statement, article or testimony;
- C. Whether defendant has a copy of such statement, article or testimony.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information protected by the work product and/or attorney-client privilege. Without waiving such objections, Defendant is not aware of any testimony at trial or by deposition in any litigation or before any Congressional committee or administrative agency of any of its employees or officers. It is also unaware of any published articles concerning asbestos by any of its employees or officers.

INTERROGATORY NO. 44:

Have you undertaken to investigate the occurrence alleged in Plaintiff's complaint? If so, state:

- A. The name, address and title of the persons participating in such investigation;
- B. List each written record pertaining to such investigation and its location and custodian;
- C. Whether you have obtained any written statements made by the plaintiff concerning any of the allegations in his complaint.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it seeks information protected by the work product and attorney-client privilege. Without waiving such objections, Defendant is in the process of investigating the facts alleged, which investigation is being conducted by or on behalf of its attorneys. Defendant does not have any written statement made by the Plaintiff at this time.

INTERROGATORY NO. 45: Hazardous

Does the defendant contend that the asbestos products mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed and/or otherwise place in the stream of commerce by the defendant are not "hazardous substances" as defined in 15 U.S. Code, § 1261(5)? Said definition is incorporated herein by reference, and defendant is required to reply as to all the parts of said definition. If so, state the facts, opinions or conclusions

upon which defendant relies to support such contention, and identify each document which is applicable.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and calls for a legal opinion. Moreover, the Interrogatory is not limited to products at issue in this litigation against this Defendant. Without waiving such objections, Defendant does contend that its products were not "hazardous substances." When used as intended, COBRA® high friction composition railroad brake shoes would not emit respirable asbestos fibers in excess of OSHA and governmental limits.

INTERROGATORY NO. 46: Record Retention

Does your company have a record or document retention or destruction policy, plan or program? If so, describe such plan in detail. If that policy has changed at any time from 1958 to 1985 describe those changes. If the plan is different for separate categories of records, describe the plan for each category. Include in the descriptions the following:

- A. The name and title of the custodian of the records;
- B. The length of time for which records are retained;
- C. The titles and names of personnel responsible for determining the policy or plan from 1958 to 1985;
- D. The titles and names of personnel responsible for removal and destruction of any records, pursuant to any such plans from 1958 to 1985.
- E. List and identify each document destroyed by your company which pertains to:
 - i. Asbestos or asbestos containing products sold or delivered to any licensee, distributor or installer which directly or indirectly installed your asbestos or asbestos-containing products;
 - ii. Health hazards of asbestos;
 - iii. Asbestos-related workers' compensation claims;
 - iv. Warning labels on your products;
 - v. Studies concerning health hazards of asbestos.

RESPONSE:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not limited to a relevant time or to products at issue in this litigation. Without waiving such objections, there is no single custodian of RFPC's corporate records. However, corporate records are located at Post Office Box 1, Wilmerding, Pennsylvania 15148. RFPC no longer sold chrysotile asbestos-containing COBRA® high friction composition railroad brake shoes after 1980. Records relating to such products were destroyed in accordance with standard record retention policies.

INTERROGATORY NO. 47: Contentions

- A. If your company contends that there was no satisfactory substitute for your products containing asbestos prior to 1973 state each and every fact which supports that contention and the names and addresses of persons with any knowledge.
- B. If defendant contends that the "state of the art of medical and/or scientific knowledge concerning the dangers or adverse health effects of asbestos was such that defendant should not have known of the risks to which it exposed the plaintiffs as a result of contact with its asbestos fibers or asbestos-containing products, please set forth in detail the facts that support that contention, and the names and addresses of persons with any knowledge.
- C. If defendant contends that it believed that if dust concentrations (of asbestos-containing dust) were kept below 5 million particles per cubic foot, plaintiff and others similarly situated would not contract asbestosis, and in support of this contention will rely upon *A Study of Asbestos in the Asbestos Textile Industry*, by Dreesen, Dallavale, Edwards, Miller and Sayers, U.S. Treasury Department, Public Health Service, Public Health Bulletin No. 241 (1938) please state:
 - 1. The first person in defendant's employ who read this article;
 - 2. Where defendant obtained such article;
 - 3. When defendant or its employee first read this article;
 - 4. The name of all persons in defendant's employ who read this article prior to 1970;
 - 5. What steps, if any, defendant took to determine the validity of the study upon which the article was based;
 - 6. If the person named in subpart (a) above is deceased, upon what facts do you base your statement that this person read this article at the aforementioned time.

- D. Do you contend that any claims asserted by the plaintiff fails to state a claim upon which relief can be granted? If so, identify each such claim and state each and every fact which you believe supports the contention.
- E. Do you contend that any of plaintiff's claims are barred by any applicable statute of limitations? If so:
1. identify each claim that you contend is barred by the statute of limitations;
 2. identify any statute you claim is applicable; and
 3. describe the facts which you rely upon in support of this contention.
- F. Do you contend that any of plaintiff's claims are barred by laches? If so:
1. identify each claim that you claim is barred by laches; and
 2. describe the facts which support this contention;
 3. if you claim any document shows that the plaintiff assumed a particular risk, identify each such document you rely upon.
- G. Do you contend that the plaintiff is barred from recovery by assumption of any risk? If so:
1. specify each and every risk you claim that plaintiff assumed;
 2. specify the facts you claim support each such contention;
 3. if you claim any document shows that the plaintiff assumed a particular risk, identify each such document you rely on, name the custodian and location of each such document.
- H. Do you claim that the plaintiff's recovery is barred or reduced by virtue of any alleged contributory negligence? If so:
1. specify each act of contributory negligence you allege;
 2. specify the facts establishing plaintiff was contributorily negligent;
 3. if you claim any document shows that the plaintiff was contributorily negligent, identify each such document you rely on, name the custodian and location of each such document.

- I. Do you contend that the damages incurred by the plaintiffs were in any way attributable to any third party? If so:
1. identify each such third party;
 2. state the acts or omissions of each such third party which support your contention;
 3. if you intend to rely on any document to support this contention, identify the document, name the custodian and location of each such document.
- J. Do you contend that any intervening acts or superseding negligence on the part of others caused plaintiff's injuries? If so:
1. identify each and every alleged intervening act or superseding negligence by date, place and description of each act;
 2. identify each person or entity you claim performed such act and for each entity, identify each and every corporate officer, agent, representative, or employee performing such acts or making such omissions;
 3. if you intend to rely on any document to support this contention, identify the document, name the custodian and location of the document.
- K. Do you contend that plaintiff's illness was due to friable or loose asbestos from the asbestos products of any other company? If so:
1. the identity of each such company and the name and type of that company's product which you contend caused plaintiff's illness;
 2. the alleged dates of installation;
 3. if you intend to rely on any document to support this contention, identify the document, name the custodian and location of each such document; and
 4. identify any written statements of any persons identified in your answer to this interrogatory, name the custodian and location of each such document.
- L. Do you contend that plaintiff was not exposed to friable or loose asbestos despite the installation or use of your asbestos containing products by him or other workers? If so, please state:
1. the factual basis for your contention;
 2. the identity of any person with personal knowledge as to this question; and

3. if you intend to rely on any document to support this contention, identify the document, including its custodian and location.

RESPONSE:

- A. Defendant so contends. This contention will be supported primarily with expert testimony. Defendant will identify those experts whom it may call to testify at the trial of this matter, in accordance with the Indiana Rules of Civil Procedure and the Orders of this Court. This response will be supplemented.
- B. Defendant objects to this subpart of Interrogatory No. 47 on the grounds that it is argumentative and assumes facts not in evidence. Specifically, it assumes that Plaintiff was exposed to Defendant's products and that such exposure posed a risk to the Plaintiff, which is not supported by the evidence known to Defendant. Defendant's products did not emit respirable asbestos fibers in excess of OSHA and other governmental limits, when used as intended. Support for such statement is found in the medical literature and will be supported by expert testimony. See Response to subpart A.
- C. Unknown at present.
- D. Yes. Defendant is unaware of any evidence that Plaintiff was exposed to harmful levels of respirable asbestos fibers emitted from any of the Defendant's products. This response will be supplemented, as discovery is continuing.
- E. Discovery is continuing. This response will be supplemented.
- F. Discovery is continuing. This response will be supplemented.
- G. Discovery is continuing. This response will be supplemented.
- H. Discovery is continuing. This response will be supplemented.
- I. Discovery is continuing. This response will be supplemented.
- J. Discovery is continuing. This response will be supplemented.
- K. Discovery is continuing. This response will be supplemented.
- L. Yes. Discovery is continuing. At present, Plaintiff has failed to identify any of Defendant's products to which he claims alleged asbestos exposure. Nonetheless, COBRA® high friction composition railroad brake shoes did not emit harmful levels of respirable asbestos fibers during normal installation, use or removal. Expert testimony regarding this issue will be identified pursuant to the Indiana Rules of Civil Procedure and the Orders of this Court.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents used, related to the subject matter of, or referred to in connection with the preparation of or answers to the Interrogatories.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving such objections, no documents were specifically used in connection with the preparation of Defendant's responses to these Interrogatories.

REQUEST FOR PRODUCTION NO. 2:

All documents detailing and governing defendant's complete corporate or business history, including all those related to any sale of an asbestos-containing product line or stock in a company dealing in asbestos-containing products.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence.

REQUEST FOR PRODUCTION NO. 3:

All documents governing the terms and conditions of the purchase, assumption, or acquisition of any assets and/or liabilities of any corporation or entity previously engaged in the manufacture or sale of asbestos-containing products.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence.

REQUEST FOR PRODUCTION NO. 4:

Any partial or complete index or printout of past sales records of asbestos-containing products.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time, a relevant geographic area or even to sales of products allegedly at issue in this litigation to the places of exposure allegedly at issue in this litigation. Plaintiff should focus his requests on the products of Defendant, if any, to which Plaintiff claims exposure, the particular jobsites at issue and the relevant dates during which Plaintiff worked at such places. Defendant objects to this Request as a mere fishing expedition. Without waiving such objections, Defendant does not maintain sales records for past sales of products containing asbestos-containing components.

REQUEST FOR PRODUCTION NO. 5:

All documents pertaining to asbestos-containing product distributor or wholesaler relationships.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time, a relevant geographic area or even to sales of products allegedly at issue in this litigation to the places of exposure allegedly at issue in this litigation. Plaintiff should focus his requests on the products of Defendant, if any, to which Plaintiff claims exposure, the particular jobsites at issue and the relevant dates during which Plaintiff worked at such places. Defendant objects to this Request as a mere fishing expedition.

REQUEST FOR PRODUCTION NO. 6:

All studies or inquiries of any kind concerning the potential release of asbestos fiber by an asbestos-containing product, whether it be during manufacturing, application, removal, or otherwise.

RESPONSE:

Defendant objects to this Request on the grounds that it does not identify and is not limited to any product of Defendant to which Plaintiff claims exposure, and for that reason, it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Plaintiff should focus his requests on the products of Defendant, if any, to which Plaintiff claims exposure, the particular jobsites at which he believes he was exposed to these products, and the relevant dates during which Plaintiff worked at such places. Without waiving such objections, copies of the fiber emission tests conducted on railroad brake shoes will be produced.

REQUEST FOR PRODUCTION NO. 7:

All past directories, listings, organizational charts, etc., identifying sales and other personnel for defendant.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Request is unlimited in time and is not focused on particular products or time frames relevant to this litigation.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the design, preparation, formulation, product mix or chemical composition of asbestos-containing products.

RESPONSE:

Defendant did not design, prepare, formulate or manufacture the asbestos-containing components of the products it sold, if any at issue in this litigation and, therefore, is not in the possession, custody or control of responsive documents.

REQUEST FOR PRODUCTION NO. 9:

All documents reflecting or related to patents and patent applications concerning asbestos-containing products.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant did not patent or apply for patents on the asbestos-containing components of the products it sold, if any at issue in this litigation. Moreover, any patent documents filed as public records are as equally accessible to Plaintiff as this Defendant.

REQUEST FOR PRODUCTION NO. 10:

All documents reflecting or related to trademark applications and renewals concerning or affixed to asbestos-containing products, product packaging or product literature.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Trademark

documents filed as public records are as equally accessible to Plaintiff as this Defendant. However, Defendant will produce the limited documents it has in its current possession, custody and control regarding the COBRA® trademark application for high friction composition railroad brake shoes.

REQUEST FOR PRODUCTION NO. 11:

All documents reflecting or related to the purchase or receipt of raw asbestos fiber.

RESPONSE:

Defendant did not purchase or receive raw asbestos fiber and thus, it has no documents in its possession, custody or control responsive to this Request.

REQUEST FOR PRODUCTION NO. 12:

All documents relating to the marketing or distribution of asbestos-containing products manufactured in whole or part by someone else.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to relevant time frames, relevant geographic areas or to products at issue in this litigation.

REQUEST FOR PRODUCTION NO. 13:

All documents reflecting terms and conditions incident to the rebranding of asbestos-containing products.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 14:

All documents related to the sales by someone else of any of defendant's asbestos-containing products.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 15:

All documents related to any multi-state distribution agreement, and any licensing agreement.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 16:

All sales brochures, promotional pamphlets, product manuals, specification sheets and other written sales materials of defendant pertaining to asbestos-containing products.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 17:

All documents related to advertisements of asbestos-containing products.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 18:

All insurance policies, indemnification, suretyship, guarantee, or bonding agreements, and all documents pertaining or relating in any fashion to the possible application or interpretation of these agreements to asbestos personal injury lawsuits.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, the Request seeks documents protected by the work product and/or attorney-client privilege.

REQUEST FOR PRODUCTION NO. 19:

Documents reflecting or relating to the adjudication, arbitration, settlement or any other form of resolution of any claim as to possible application or interpretation of all insurance policies, indemnification, suretyship, guarantee or bonding agreements.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, the Request seeks documents protected by the work product and/or attorney-client privilege.

REQUEST FOR PRODUCTION NO. 20:

Documents filed, served or received by each party in each litigation or arbitration concerning insurance (i.e., the full civil or arbitration docket including all orders and opinions of the decision makers).

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, the Request seeks documents protected by the work product and/or attorney-client privilege.

REQUEST FOR PRODUCTION NO. 21:

All consolidated and non-consolidated financial reports, including Annual Reports, Shareholder Reports, Profit and Loss Statements, Balance Sheets, Statements of Cash Flow, Income Statements, SEC 10-Ks and 10-Qs, generated by defendant for the past ten calendar or fiscal years.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Request is not limited to a time frame reasonably related to the issues in this litigation.

REQUEST FOR PRODUCTION NO. 22:

All photographs of defendant's past asbestos-containing products and/or their packaging.

RESPONSE:

Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 23:

Any videotapes, movies, snapshots, or other photographic recordings (generated by anyone at any time) of the use of any of defendant's asbestos-containing products.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, it seeks documents and information protected by the work product privilege. Without waiving such objections, Defendant is presently unaware of the existence of any documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 24:

All Board of Directors meeting minutes and resolutions, Executive Committee meeting minutes and resolutions or other corporate records of top officers and directors, to the extent they mention or in any fashion relate explicitly or implicitly to asbestos and health or asbestos-related litigation.

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Request is not limited to a time frame relevant to the issues in this litigation. Without waiving such objections, this Defendant is unaware of the existence of any documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 25:

All indices or document listings prepared by defendant of documents found in its possession potentially relevant to asbestos litigation, including indices of sale records.

RESPONSE:

Defendant objects to this Request on the grounds that it seeks work product and documents protected by the attorney-client privilege. Moreover, Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving such objections, Defendant has no responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 26 :

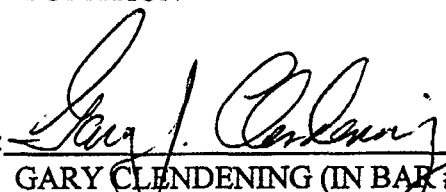
All listings or indices of documents responsive to these requests which defendant asserts are subject to withholding due to some form of privilege.

RESPONSE:

See Response to Request No. 25.

Respectfully submitted,

RAILROAD FRICTION PRODUCTS
CORPORATION

By: 

GARY CLENDENING (IN BAR # 3263-53)

Mallor Clendening Grodner & Bohrer

511 Woodscrest Drive

Post Office Box 5787

Bloomington, Indiana 47407

TEL: (812) 336-0200

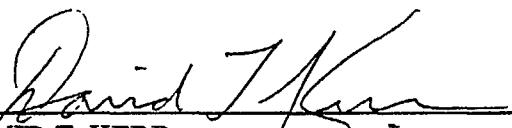
FAX: (812) 333-0083

VERIFICATION

STATE OF PENNSYLVANIA

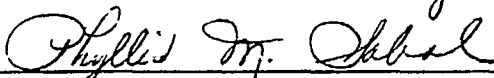
COUNTY OF Allegheny

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named David T. Kerr, who, having been first by me duly sworn, stated on his oath that he signed the above and foregoing Defendant Railroad Friction Products Corporation's Responses to Plaintiff's Master Manufacturer/Distributor Interrogatories and Requests for Production of Documents, and that he is duly authorized to so do; that the matters stated in the above and foregoing Master Interrogatories and Requests for Production are not solely within his own personal knowledge, but that he is informed that there is no single officer or agent of Railroad Friction Products Corporation who has personal knowledge of all such matters; that the facts stated in said Master Interrogatories and Requests for Production have been assembled by various employees, agents, representatives and counsel for Railroad Friction Products Corporation; and that he is informed and believes that the facts set forth in said Master Interrogatories and Requests for Production are true and correct as stated.



DAVID T. KERR

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of August, 1998.



NOTARY PUBLIC

My Commission Expires:

June 12, 2000

