

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

WALTER HEDGREN and : CASE NO.: 498230
MARY HEDGREN, :
Plaintiffs, : (JUDGE HARRY A. HANNA)
vs. :
A. W. CHESTERTON, INC., et al., :
Defendants. :

**RESPONSE OF APV BAKER, A DIVISION OF APV NORTH AMERICA, TO
PLAINTIFFS' INTERROGATORIES**

PROPOUNDING PARTY: PLAINTIFFS, WALTER HEDGREN AND MARY
HEDGREN
RESPONDING PARTY: DEFENDANT, APV BAKER, A DIVISION OF APV
NORTH AMERICA
SET NO.: ONE

TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

COMES NOW defendant APV Baker, a Division of APV North America, and gives its
response to plaintiffs Walter Hedgren and Mary Hedgren's First Set of Interrogatories in the
above matter pursuant to:

DEFINITIONS

1. The words "Defendant," "You," "Your," or "Your company," all mean the
corporate Defendant separately answering these Interrogatories, and any of its merged,
consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign
subsidiaries of predecessors, and/or affiliates. This includes, but is not limited to, those known
to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-
containing products or that incorporated asbestos or asbestos-containing products at any work

site. This definition includes present and former officers, directors, servants, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products. "Predecessors" means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be acquired by you whether by merger, consolidation, or otherwise known to have mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

2. "Document" includes, but is not limited to, correspondence, letter, memoranda, message, note, report, cable, telegram, photograph, film, tape, and all other written communications of every kind and character; note, recording disk, or any other record of oral communication; microfilm; worksheet; schedule; exhibit; demonstrative aid; letter; contract; agreement; deeds, bills of sale, deeds of trust, security agreements, leases and other instruments or documents of title; maps; diagrams; logs; summaries; printouts; graphs, charts; compilations, tables; publications; manuals; minutes; by-laws; articles of incorporation; resolution; shareholder endorsements; partnership documents; minute books, diaries; calendars, bank statements, tax returns; lists; tapes, video tapes; and any other data compilations from which information can be obtained and translated.

3. "Identify" means to give the date, title, origin, author, and addressee to enable plaintiff to retrieve it from a file; and further, identify means to give the name, address, position, title, and whether a person is employed or not employed by Defendant.

4. The words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.

5. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.

6. The words "describe" or "description", when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.

7. The words "product containing asbestos fibers," "asbestos-containing products," or "asbestos products" all refer to any products or materials prepared in any way for sale and/or distribution that contained any kind of asbestos in any possible form. The words "asbestos materials" refer to any and all materials, substance, or matter used or assembled or fabricated during the manufacture of a product, and that contain at least some asbestos fibers. "Product" includes, but is not limited to, pipecovering, furbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, boilers, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings, finishing compound, texture, and other construction, building, drywall, lath and insulation materials.

8. The words "design changes," or "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to, variations in the amount or type of asbestos used in the process of manufacturing the product.

9. The words "distribute," "distributed," "distributor," or "distribution" all refer to the sale marketing, dispersal and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders provided by other business concerns. The word "distributor" specifically refers to a company or its sales representatives, whether dependent or independent, responsible for sales or marketing of products.

10. The words "marketed," or "market" mean and include all efforts to assist in the distribution and/or sale of products. More generally, these terms refer to only efforts on your part or the part of manufacturers or distributors to sell or otherwise distribute products.

11. The words "medical advisory capacity" refer to the duties, abilities or capabilities of any member of Defendant's staff, or any individual or organization who has contracted with Defendant, to provide services of a medical nature, including but not limited to providing medical advice.

12. The words "trade organization," or "trade association" mean any organizations or associations of business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.

13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials,

substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.

14. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, prepare for fabrication or assembly, or any other action taken prior to completion of the product or material before the time of its shipment.

15. The words "sales materials," or "written sales materials" mean any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.

16. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products, either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name.

17. The words "research" or "research department" refer to efforts, whether scientific or otherwise, to develop new and/or different types of products, processes or designs of pre-existing products and is meant to incorporate all efforts that specifically contemplated the possible alteration of products.

18. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health,

including but not limited to, the safety of Defendant's workers and the safety of individuals using products manufactured by Defendant.

19. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining air quality, air contamination, dust content, safety of a facility or hazards at any site or facility.

20. The words "health hazards," or "potential health hazards" refer and relate to any injury, effect, damage, scarring, wound, impairment or disability of any part of the human anatomy, including but not limited to the lungs and lung linings.

21. The words "test" or "testing" are used in their broadest sense, including but not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in such airborne test samples, studies of the lung conditions of workers (by x-ray or other means of medical surveillance), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses and any other studies on the product concerning health and safety required by any governmental agency.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

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

RESPONSE TO INTERROGATORY NO. 1:

William O. Martin, Jr. and Samuel O. Follis, Haight, Brown & Bonesteel, 6080 Center Drive, Los Angeles, California 90045;

Robert H. Rander, 4165 Taft Street, Conklin, Michigan 49403, representative of APV Baker;

Randy Zink, APV Baker, 1200 West Ash, Goldsboro, North Carolina 27530.

INTERROGATORY NO. 1.1:

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

RESPONSE TO INTERROGATORY NO. 1.1:

Defendant objects to this Interrogatory for the reason that it is overbroad and unduly burdensome. The nature of these Interrogatories is extensive and to identify every document related to every Interrogatory is an unconscionable burden.

However, without waiving its objections, the Customer Docket Files and the Customer Engineering Records have been reviewed. It is impractical to be more specific because of the age of the records and their interdependence.

INTERROGATORY NO. 2:

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

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

Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

RESPONSE TO INTERROGATORY NO. 2:

- (a) APV Baker, a Division of APV North America, Inc.;
- (b) APV North America, Inc. is a Delaware corporation;
- (c) APV North America, Inc.
5100 River Road
Schiller Park, IL 60176;
- (d) Upon information and belief, the Secretary of State for the State of Ohio;
- (e) At this time Defendant is not claiming that this Court lacks personal jurisdiction, but reserves the right to do so in the future. Defendant does claim that this Court lacks subject matter jurisdiction.

INTERROGATORY NO. 3:

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

In addition:

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos-related risks, then please state the following as to each acquisition:
- (b) the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;

- (c) the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;
- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

RESPONSE TO INTERROGATORY NO. 3:

In 1987, APV plc, an English corporation, purchased Baker Perkins, which became known as APV Baker, Inc. In 1997, APV North America, Inc. was formed and APV Baker, Inc. lost its corporate identity and became a division of APV North America, Inc.

INTERROGATORY NO. 4:

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

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;

- (b) the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity,
- (g) whether the acquisition concerned asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 4:

See Response to Interrogatory No. 3.

INTERROGATORY NO. 4.1:

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

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand or trade name;

- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

RESPONSE TO INTERROGATORY NO. 4.1:

Upon information and belief, there have been no officers of APV Baker, a Division of APV North America, that also served as officers, directors or in any managerial capacity for any other corporation while employed by this Defendant.

INTERROGATORY NO. 5:

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

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
- (1) The trade or brand name.
 - (2) Its identification number (model, serial number, etc.).
 - (3) The time period it was manufactured, mined, marketed, distributed or sold.
 - (4) Its physical description including color, general composition, and form.
 - (5) A detailed description of its intended use and purpose.
 - (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package,

and a description of any printed material or trademarks that appeared thereon.

- (7) The percent of asbestos which it contained.
- (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

RESPONSE TO INTERROGATORY NO. 5:

Defendant objects to this Interrogatory for the reason that it is overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

However, without waiving its objection and to the extent applicable to those sites listed in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven, Yes.

- (a) Baker Perkins, Inc., and Baker Perkins FMI;
- (b) (1) Baker Perkins tray ovens, and Baker Perkins tunnel ovens;
 - (2) a. Baker Perkins 960 Tunnel Ovens;

- b. Baker Perkins 970 Tray Ovens;
- c. Baker Perkins 935 Modular Tray Ovens;
- d. Baker Perkins Insulation Block Tunnel Oven;
- e. Baker Perkins Brick Traveling Tray Oven;
- f. Baker Perkins Tunnel Ovens;
- g. Baker Perkins Tray Ovens

Single Lap/Double Lap;

- h. Baker Perkins Diathermatic Tray Ovens

Single Lap/Double Lap;

- (3) a. 1960-1989;
- b. 1962-1989;
- c. 1973-1989;
- d. 1920s;
- e. 1920s;
- f. 1934-1960;
- g. 1948-1960;
- h. Single lap: 1941-1954;
- double lap: 1934-1946.

Defendant is a manufacturer of custom bakery ovens. While it uses proprietary designs, it frequently customizes its equipment to the customer's specifications and frequently will build an "older design oven" because that is the customer's requirement. The dates listed above are therefore approximate. In those instances where only one date is given, Defendant lacks information to provide additional dates.

(4) The ovens have metal exteriors (enamel coated steel, or stainless steel, or aluminum). Tray Ovens are generally 17-18 feet wide, 40-50 feet long and about 7 feet in height. Tunnel Ovens are generally 14-16 feet wide and range in length from 60-120 feet and are about 6 feet in height.

Tray Ovens have trays 12-13 feet wide by 22-32 inches in depth. Chains are mounted on either side which move the trays through the oven in a parallel loop fashion. Tunnel Ovens use a mesh conveyor or a series of steel plates with chains mounted on either side of the chain or steel grids mounted on the chain on either end of the grid to convey product through the oven.

The ovens have steel bake chambers over which Rockwool Insulation is attached. As noted above the exterior of the oven is steel. Generally the ovens are direct gas fired, although a few have been indirect fired oil fired ovens.

Ovens are generally customized for particular bakeries and therefore there may be some variation in specifications.

(5) The ovens were designed to produce a high volume of commercial bread, buns, rolls, cakes and other bakery products.

(6) Ovens were shipped to the bakeries in an "erector set form" via rail car or semi trucks. The ovens were installed under the supervision of the Field Engineering Staff of the Defendant.

(7) The percent of asbestos in any of the gaskets is unknown. Purchasing records do not indicate either the type or amount of asbestos. In many cases the documented use of asbestos is based only on an associated trade name that implies asbestos was used.

Upon information and belief, less than .1% of all insulation material in any oven had any asbestos.

(8) Unknown at this time. See Response to Interrogatory No. 5(b)(7).

Discovery and investigation are continuing.

(c) See Response to Interrogatory No. 5(b)(2) and Interrogatory No. 5(b)(3).

(d) Because each oven is custom designed to satisfy the customer's needs, it is impossible to give the material components/ingredients for each product.

However, based on very conservative estimates of volume and weight for a typical oven, there are two basic components, steel and insulation. All gaskets for a single oven comprise less than one cubic foot by volume. Insulation products as a whole would constitute approximately 3,500 cubic feet on a typical mid-size oven. Upon information and belief, less than .1% of all insulation material in an oven had any asbestos and less than .03% were gaskets that might have contained asbestos.

On the total volume basis the percentage is one-half of the figures noted above.

On the total weight basis the percentage is about one-tenth of the figures noted above.

(e) Manufacturing tags or plates (or Machine Data Plates), design features and style.

(f) See Response to Interrogatory No. 5(b)(4).

(g) See Response to Interrogatory No. 5(b)(5).

INTERROGATORY NO. 6:

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

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

RESPONSE TO INTERROGATORY NO. 6:

Defendant objects to this Interrogatory for the reason that the phrase "would cover any product" is vague and ambiguous. Assuming that plaintiffs are requesting whether there is any patent that would protect any existing products listed in the answer to Interrogatory No. 5, there are no active patents on any of the products listed in that Interrogatory.

INTERROGATORY NO. 7:

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

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

RESPONSE TO INTERROGATORY NO. 7:

The 960 Tunnel Ovens, the 970 Tray Ovens, and the 935 Modular Tray Ovens, have been modified over the years to satisfy customer requirements and specifications. During the period between 1972 and approximately 1978, asbestos gaskets and gasketing materials, high temperature wire, and furnace cement were changed to nonasbestos materials as they became available.

Gaskets were changed from Garlock "7000" to Garlock "Blue Guard."

"Marinite" produced by Johns-Manville was changed to a type of nonasbestos marinite.

Rutland cement was changed by the vendor.

"Chill-Cote" plaster was changed by the vendor.

The exact time frame for these changes is unknown, other than they occurred between 1972 and approximately 1978.

INTERROGATORY NO. 8:

Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

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

RESPONSE TO INTERROGATORY NO. 8:

No. The ovens were always sold new by the Defendant or its predecessor and not through a domestic agent.

INTERROGATORY NO. 8.01:

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

RESPONSE TO INTERROGATORY NO. 8.01:

Yes.

INTERROGATORY NO. 8.02:

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

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

RESPONSE TO INTERROGATORY NO. 8.02:

- (a) Garlock, Inc.;
- (b) Garlock Gasket 7021; and
- (c) Defendant has no definitive records which would provide the dates of each purchase.

INTERROGATORY NO. 8.03:

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

RESPONSE TO INTERROGATORY NO. 8.03:

No, to the best of its knowledge.

INTERROGATORY NO. 8.04:

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

- (a) name each Defendant to whom this Defendant sold any asbestos-containing product;
- (b) list each product sold to each co-Defendant;

(c) list the dates of each sale of asbestos-containing products to each co-Defendant.

RESPONSE TO INTERROGATORY NO. 8.04

Not applicable.

INTERROGATORY NO. 8.05

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

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

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

RESPONSE TO INTERROGATORY NO. 8.05:

- (a) Upon information and belief, Baker Perkins was formed in approximately 1920.

It is believed ovens would begun to have been designed, manufactured, and their installation supervised at or before that time.

- (b) From approximately 1920 to date.
- (c) Defendant is still designing, manufacturing and supervising the installation of such products.
- (d) Not applicable.
- (e) North America, South America and Europe.
- (f) The entity today is known as APV Baker, a Division of APV North America, Inc.
- (g) Saginaw, Michigan; and Goldsboro, North Carolina.
- (h) See Response to Interrogatory 5(d).
- (i) 250°F - 500°F.
- (j) Bakery tray and tunnel ovens.

- (k) 960 Tunnel Ovens, 970 Tray Ovens, and 935 Modular Ovens.
- (l) See Response to Interrogatory No. 5(b)(6).
- (m) The Manufacturing Tag or Machine Data Plate would include the name and logo of the manufacturer. For information concerning the packaging, see Response to Interrogatory No. 5(b)(6).
- (n) No.
- (o) See Response to Interrogatory No. 5(b)(6).
- (p) See Response to Interrogatory No. 5(b)(4).

INTERROGATORY NO. 8.06:

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

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

RESPONSE TO INTERROGATORY NO. 8.06:

Assuming that this Interrogatory is asking whether the Defendant ever marketed or distributed as a dealer or distributor any asbestos-containing products manufactured in whole or in part by someone else, the response is "No."

INTERROGATORY NO. 8.1:

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

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

RESPONSE TO INTERROGATORY NO. 8.1:

Defendant objects to this Interrogatory for the reason that it is overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

However, without waiving its objection and to the extent applicable to those sites listed in Exhibit A which Plaintiff has identified the presence of a Baker Perkins oven, Yes.

- (a) Robert Rander has reviewed the Engineering Docket Files and, to the best of his knowledge, locations that purchased Defendant's ovens.
- (b)
 - (1) Baker-Perkins Bakery Equipment, Various (Bimbo), Spain: Baker Perkins 960 Tunnel Oven, and Baker Perkins 970 Tray Oven;
 - (2) Campbell-Taggart Associated Bakeries, Paducah, KY: Baker Perkins 970 Tray Oven;

- (3) Campbell-Taggart Associated Bakeries, Chattanooga, TN: Baker Perkins 970 Tray Oven, and Baker Perkins Tunnel Oven;
- (4) Campbell-Taggart Associated Bakeries, Atlanta, GA: Baker Perkins 970 Tray Oven;
- (5) Campbell-Taggart Associated Bakeries, Cincinnati, OH: Baker Perkins Tunnel Oven;
- (6) Campbell-Taggart Associated Bakeries, Huntsville, AL: Baker Perkins Double Lap Tray Oven;
- (7) Campbell-Taggart Associated Bakeries, Gulfport, MS: Baker Perkins Double Lap Tray Oven, and Baker Perkins Single Lap Diathermatic Tray Oven;
- (8) Campbell-Taggart Associated Bakeries, Houston, TX: Baker Perkins 970 Tray Oven, Baker Perkins Insulation Block Tunnel Oven, and Baker Perkins Tunnel Oven;
- (9) Campbell-Taggart Associated Bakeries, Little Rock, AR: Baker Perkins Double Lap Diathermatic Tray Oven;
- (10) Campbell-Taggart Associated Bakeries, Dallas, TX: Baker Perkins 970 Tray Oven, Baker Perkins Double Lap Tray Oven, and Baker Perkins Single Lap Diathermatic Tray Oven;
- (11) Campbell-Taggart Associated Bakeries, Corpus Christi, TX: Baker Perkins Single Lap Tray Oven, and Baker Perkins Single Lap Diathermatic Tray Oven;
- (12) Campbell-Taggart Associated Bakeries, Oakland, CA: Baker Perkins 970 Tray Oven, and Baker Perkins 935 Modular Tray Oven;

- (13) Campbell-Taggart Associated Bakeries, Saginaw, MI: Baker Perkins Single Lap Tray Oven;
- (14) Campbell-Taggart Associated Bakeries, Muncie, IN: Baker Perkins 970 Tray Oven, and Baker Perkins Single Lap Tray Oven;
- (15) Campbell-Taggart Associated Bakeries, St. Louis, MO: Baker Perkins 970 Tray Oven, Baker Perkins Tunnel Oven, and Baker Perkins Brick Traveling Tray Oven;
- (16) Entermans (sic) Bakery, Miami, FL: Baker Perkins 960 Tunnel Oven, and Baker Perkins Tunnel Oven;
- (17) Smith's Bakeries, Salt Lake City (Layton), UT: Baker Perkins 935 Modular Tray Oven.

INTERROGATORY NO. 8.2:

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

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

RESPONSE TO INTERROGATORY NO. 8.2:

See Response to Interrogatory No. 8.

INTERROGATORY NO. 8.3:

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

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

RESPONSE TO INTERROGATORY NO. 8.3:

Defendant has no information with which to respond to this Interrogatory.

INTERROGATORY NO. 8.4:

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

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

RESPONSE TO INTERROGATORY NO. 8.4:

(a) Robert H. Rander and Randy Zink were primarily responsible for reviewing documents which formed the basis for this Interrogatory response.

(b) APV Baker in Goldsboro, North Carolina.

INTERROGATORY NO. 9:

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

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

RESPONSE TO INTERROGATORY NO. 9:

Yes.

(a) through (e). We have no records from which this information can be obtained.

INTERROGATORY NO. 9.1:

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

RESPONSE TO INTERROGATORY NO. 9.1:

See Response to Interrogatory No. 9. It may be that one or more individuals may have personal knowledge that can be used to respond to this Interrogatory. Discovery and investigation are continuing.

INTERROGATORY NO. 10:

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

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

RESPONSE TO INTERROGATORY NO. 10:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 11:

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

RESPONSE TO INTERROGATORY NO. 11:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 12:

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

RESPONSE TO INTERROGATORY NO. 12:

(a) Baker Perkins, Inc., 1000 Hess Street, Saginaw, Michigan, approximately 1920 to 1982; Baker-Perkins, FMI, 1200 West Ash Street, Goldsboro, North Carolina, approximately 1982 to present.

INTERROGATORY NO. 13:

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

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

RESPONSE TO INTERROGATORY NO. 13:

No.

INTERROGATORY NO. 13.1:

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

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

RESPONSE TO INTERROGATORY NO. 13.1:

Yes.

- (a)
 - (1) APV Baker;
 - (2) Baker Perkins FMI;
 - (3) Baker Perkins, Inc.
- (b)
 - (1) 1989 to present;
 - (2) From about 1980 to about 1988;
 - (3) From early 1920s to about 1980.

- (c) These entities design and supervise the installation of bakery ovens.
- (d) Ovens.
- (e)
 - (1) Rutland Furnace Cement;
 - (2) Garlock Gasket 7021;
 - (3) Johns-Manville, ASB Millboard, No. 302 Cement, No. 121 Gasket Tape, 316 Graphited Asbestos Packing, JM 102 Millboard, Rockbestos Micatemo Wire #H16-0187. Also included would possibly be Flynn Burner Co. and Phil Carey.
- (f) The time frame in which Defendant installed or removed Baker Perkins Bakery Ovens coincided with the start of its oven manufacturing in the 1920's and continues to the present.

INTERROGATORY NO. 13.2:

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

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

RESPONSE TO INTERROGATORY NO. 13.2:

To the best of Defendant's knowledge, no. See Response to Interrogatory No. 5(b)(6).

INTERROGATORY NO. 14:

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

RESPONSE TO INTERROGATORY NO. 14:

Defendant objects to this Interrogatory for the reason it is overbroad and unduly burdensome. The time period covered by this Interrogatory is over 80 years. Hundreds, if not thousands, ovens have been sold. It is inappropriate to require Defendant to identify each individual who participated in the design of every oven sold during that time period.

INTERROGATORY NO. 15:

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

RESPONSE TO INTERROGATORY NO. 15:

See Response to Interrogatory No. 5(b)(6). Additionally, during installation, a light coat of cement (which might include small amounts of asbestos) was spread over a metal lath and placed over Rockwool insulation. A metal covering was attached to the oven's outer frame.

INTERROGATORY NO. 16:

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

RESPONSE TO INTERROGATORY NO. 16:

Since bakeries are food plants, great care was always taken to avoid any operation that might create dust.

INTERROGATORY NO. 17:

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

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

RESPONSE TO INTERROGATORY NO. 17:

Yes.

(a) Defendant objects to this Interrogatory for the reason it is overbroad and unduly burdensome. It is impractical, if not impossible, to list all of the drawings, prints, and building materials for ovens that have been built over the last 80 years.

(b) No one person is currently in possession of these documents. They are part of the Engineering File located at APV Baker in Goldsboro, North Carolina.

(c) See Response to Interrogatory No. 17(b).

INTERROGATORY NO. 18:

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

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

RESPONSE TO INTERROGATORY NO. 18:

To the best of the knowledge of this Defendant, it did not conduct any test to determine potential health hazards involved in the use or exposure to materials contained in the products. It is unknown if suppliers of component parts containing asbestos conducted any such tests.

The equipment was always designed, manufactured, and installed pursuant to bakery industry standards and current generally accepted engineering standards and manufacturing standards. The equipment also complied with fire and insurance regulations.

INTERROGATORY NO. 18.1:

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

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

RESPONSE TO INTERROGATORY NO. 18.1:

No.

INTERROGATORY NO. 19:

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

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

RESPONSE TO INTERROGATORY NO. 19:

See Response to Interrogatory No. 18.

INTERROGATORY NO. 20:

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

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

RESPONSE TO INTERROGATORY NO. 20:

Not applicable.

INTERROGATORY NO. 21:

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

- (a) The names of the products tested and the dates of said tests;

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

RESPONSE TO INTERROGATORY NO. 21:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 22:

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

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

RESPONSE TO INTERROGATORY NO. 22:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 23:

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

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

RESPONSE TO INTERROGATORY NO. 23:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 24:

Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and

- (d) The persons to whom the results said tests were given and the date of such dissemination.

RESPONSE TO INTERROGATORY NO. 24:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 25:

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

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

RESPONSE TO INTERROGATORY NO. 25:

The general news media made Defendant's technical managers aware in the mid-to-late 1970s of possible problems caused by asbestos. Defendant has not maintained any such information.

INTERROGATORY NO. 26:

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

RESPONSE TO INTERROGATORY NO. 26:

See Response to Interrogatory No. 25.

INTERROGATORY NO. 27:

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

RESPONSE TO INTERROGATORY NO. 27:

To the best of Defendant's knowledge, there are none.

INTERROGATORY NO. 28:

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

RESPONSE TO INTERROGATORY NO. 28:

To the best of Defendant's knowledge, there are none.

INTERROGATORY NO. 29:

Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or

hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

RESPONSE TO INTERROGATORY NO. 29:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 30:

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

RESPONSE TO INTERROGATORY NO. 30:

Defendant has not located any records which indicated that it ever subscribed to medical journals or scientific journals.

INTERROGATORY NO. 30.1:

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

RESPONSE TO INTERROGATORY NO. 30.1:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 30.2:

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

American Ceramics Society
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association

Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers
American Society of Heating Refrigerating and Air Conditioning Engineers
American Society of Biological and Agricultural Engineers
Bakery Industry Sanitation Standards Committee
Bakery Equipment Manufacturers Association
American Society of Bakery Engineers
American Bakers Association
American Institute of Baking.

If the answer is yes, state the following:

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

RESPONSE TO INTERROGATORY NO. 30.2:

Upon information and belief, some of Defendant's employees may have been a member of the American Society of Mechanical Engineers.

INTERROGATORY NO. 31:

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

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

RESPONSE TO INTERROGATORY NO. 31:

To the best of Defendant's knowledge, there are none.

INTERROGATORY NO. 32:

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

RESPONSE TO INTERROGATORY NO. 32:

Not applicable.

INTERROGATORY NO. 33:

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

RESPONSE TO INTERROGATORY NO. 33:

To the best of its knowledge, Defendant has never been advised of threshold limit values or maximum allowable concentrations of asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists.

INTERROGATORY NO. 33.1:

State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust

counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

RESPONSE TO INTERROGATORY NO. 33.1:

To the best of Defendant's knowledge, no such testing has been done. Discovery and investigation are continuing.

INTERROGATORY NO. 34:

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

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

RESPONSE TO INTERROGATORY NO. 34:

No such library dealing with industrial hygiene and medicine have been maintained by this defendant. It has no journals, books or articles dealing with asbestos or asbestos-related diseases.

INTERROGATORY NO. 35:

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

RESPONSE TO INTERROGATORY NO. 35:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 36:

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

RESPONSE TO INTERROGATORY NO. 36:

Defendant has never been aware of reports or studies identified in this Interrogatory.

INTERROGATORY NO. 36.1:

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

RESPONSE TO INTERROGATORY NO. 36.1:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 36.2:

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

RESPONSE TO INTERROGATORY NO. 36.2:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 37:

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

RESPONSE TO INTERROGATORY NO. 37:

- (a) Bakery Industry Sanitation Standards Committee;
- (b) Bakery Equipment Manufacturers Association;
- (c) American Society of Bakery Engineers;
- (d) American Bakers Association;
- (e) American Institute of Baking.

INTERROGATORY NO. 38:

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

RESPONSE TO INTERROGATORY NO. 38:

Not to the knowledge of this Defendant. Furthermore, Defendant is not aware of whether the minutes or correspondence referred to in this Interrogatory even discuss asbestos exposure.

INTERROGATORY NO. 39:

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

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

RESPONSE TO INTERROGATORY NO. 39:

Defendant has subscribed to a trade association periodical published by the American Society of Bakery Engineers. To the best of its knowledge, there were no articles pertaining to the potential hazards of asbestos.

INTERROGATORY NO. 40:

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

RESPONSE TO INTERROGATORY NO. 40:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 41:

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

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

RESPONSE TO INTERROGATORY NO. 41:

Defendant objects to this Interrogatory for the reason it is overbroad and unduly burdensome. The time period covered by this Interrogatory is over 80 years. Hundreds, if not thousands, of ovens have been sold. It is inappropriate to require Defendant to state whether, at any time, it published and/or distributed the aforementioned printed materials, or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person during that time period.

INTERROGATORY NO. 42:

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

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

RESPONSE TO INTERROGATORY NO. 42:

Yes, but because of the age of the products, the information not available.

INTERROGATORY NO. 43:

Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or

removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A?

If so, please state the following:

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

RESPONSE TO INTERROGATORY NO. 43:

Yes, Operator/Maintenance Manuals were supplied to each customer who purchased an oven. Generally these Manuals were prepared by the Engineering Department. A copy of most of the Manual indices are in the Engineering Docket Files, filed by customer name and location. However, because of the age of many of these ovens, this material may not be complete and/or legible.

Generally, the Manuals were mailed to the customer unless the customer gave other direction.

INTERROGATORY NO. 44:

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

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

RESPONSE TO INTERROGATORY NO. 44:

Yes, but Defendant has no record of these materials. Such documents are not maintained by the company for more than a couple of years.

INTERROGATORY NO. 45:

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

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

RESPONSE TO INTERROGATORY NO. 45:

Defendant would rely upon vendors who sell asbestos for advice as to whether asbestos-containing products can be manufactured so as to eliminate potential health hazards.

INTERROGATORY NO. 46:

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

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

- (d) Contents of each communication.

RESPONSE TO INTERROGATORY NO. 46:

Defendant objects to this Interrogatory for the reason it is overbroad and unduly burdensome. The time period covered by this Interrogatory is over 80 years. Hundreds, if not thousands, of ovens have been sold. It is inappropriate to require Defendant to state whether, at any time, any warnings, to any individuals at these sites regarding the potential health hazards of any product listed in response to Interrogatory No. 5 during that time period.

INTERROGATORY NO. 47:

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

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

RESPONSE TO INTERROGATORY NO. 47:

Defendant has no record of any such claim being filed.

INTERROGATORY NO. 47.1:

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

RESPONSE TO INTERROGATORY NO. 47.1:

After conducting a reasonable and diligent search, Defendant has been unable to locate any documents which are in any way related to any decisions made by it to cease manufacturing asbestos-containing products.

INTERROGATORY NO. 47.2:

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

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

RESPONSE TO INTERROGATORY NO. 47.2:

To the best of its knowledge, Defendant has never received a recall of an asbestos-containing product from any person or company from which it purchased that asbestos-containing product.

INTERROGATORY NO. 47.3:

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

RESPONSE TO INTERROGATORY NO. 47.3:

This Defendant stopped using asbestos-containing products in the design, manufacture and supervision of installation of its products.

INTERROGATORY NO. 47.4:

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

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

RESPONSE TO INTERROGATORY NO. 47.4:

This Defendant stopped using asbestos-containing products in the design, manufacture and supervision of installation of its products.

INTERROGATORY NO. 48:

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

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;

- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

RESPONSE TO INTERROGATORY NO. 48:

To the best of Defendant's knowledge, no.

INTERROGATORY NO. 48.1:

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

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

RESPONSE TO INTERROGATORY NO. 48.1:

Each oven is assigned a Machine Number. At the time the design engineering begins for the oven, the Machine Number is used to track the Bill Of Material for each oven. The Bill Of

Material identifies all components used in the manufacture and assembly of an oven. The machine docket records are currently housed at the APV Baker facility in Goldsboro, North Carolina, both on-site and off-site. This Defendant has no record of the people responsible for maintaining these records.

INTERROGATORY NO. 48.2:

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

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

RESPONSE TO INTERROGATORY NO. 48.2:

It is very probable that records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation of asbestos-containing products have been destroyed or discarded over many decades. No documents or records are available to show the date of any such destruction, the location of any such destruction, or the custodian and location of such records prior to their destruction.

INTERROGATORY NO. 48.3:

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

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?

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

RESPONSE TO INTERROGATORY NO. 48.3:

- (a) Yes. There are several types of indices;
- (b) All of the indices combined constitute hundreds of pages;
- (c) There are thousands of documents referred to in the indices;
- (d) Some of the indices are kept as hard copies and some are kept in the electronic form;
- (e) There are several different types of electronic format. Generally it is a part of the Lotus Notes (E-mail) Database.

INTERROGATORY NO. 48.4:

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

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

RESPONSE TO INTERROGATORY NO. 48.4:

No.

INTERROGATORY NO. 49:

Has defendant obtained statements from any witnesses including Plaintiffs? If so, please:

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

RESPONSE TO INTERROGATORY NO. 49:

Other than attending the deposition of the plaintiff, at this time Defendant has not obtained any statements from any witnesses.

INTERROGATORY NO. 50:

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

RESPONSE TO INTERROGATORY NO. 50:

Unknown at this time. Discovery and investigation are continuing.

INTERROGATORY NO. 51:

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

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

RESPONSE TO INTERROGATORY NO. 51:

Unknown at this time. Investigation and discovery are continuing.

INTERROGATORY NO. 52:

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

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

RESPONSE TO INTERROGATORY NO. 52:

Any asbestos contained in the products listed in its Response to Interrogatory No. 5 would have been completely encapsulated. Since it was encapsulated, respirators, masks, or other breathing devices should not be necessary. Discovery and investigation are continuing as to whether any respirator, mask or other breathing device would prevent the inhalation of the asbestos dust and fibers if because of the actions of others they were not totally encapsulated.

INTERROGATORY NO. 53:

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

- (a) Their identity and last known address;

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

RESPONSE TO INTERROGATORY NO. 53:

Yes. Expert witnesses have not yet been identified by this Defendant.

INTERROGATORY NO. 54:

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

RESPONSE TO INTERROGATORY NO. 54:

Unknown at this time. Discovery and investigation are continuing.

INTERROGATORY NO. 55:

Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

RESPONSE TO INTERROGATORY NO. 55:

This Defendant is not contesting service of process.

INTERROGATORY NO. 55.1:

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

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

RESPONSE TO INTERROGATORY NO. 55.1:

Objection. Pursuant to the Court's Case Management Order, all affirmative defenses are preserved. This interrogatory is inappropriate. Particular defenses may be asserted further by way of motion practice at the times set forth in the Court's Scheduling Order, after discovery or when appropriate.

INTERROGATORY NO. 56:

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

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

RESPONSE TO INTERROGATORY NO. 56:

Yes.

- (a) (1) Liberty Mutual Insurance Company, Policy No. LG-1-1410505-021, \$1M Combined Single Limit, 01/01/71 – 01/01/72;
- (2) Liberty Mutual Insurance Company, Policy No. LG-1-1410505-022, \$1M Combined Single Limit 01/01/71 – 01/01/72;
- (3) Employers of Wausau (Nationwide), Policy No. 1723-00-044532, \$1M Limit, 04/16/72 – 05/01/73;
- (4) Employers of Wausau (Nationwide), Policy No. 1723-00-044532, \$1M Limit, 05/01/73 – 01/01/75;
- (5) Employers of Wausau (Nationwide), Policy No. 1723-00-044532, \$1M Limit, 01/01/75 – 09/01/75;
- (6) Home Insurance Company (In Liquidation), Policy No. GA 996239, \$1M limit, 09/01/75 – 09/01/78;
- (7) Home Insurance Company (In Liquidation), Policy No. GA 996543, \$1M limit, 09/01/78 – 09/01/79;
- (8) Home Insurance Company (In Liquidation), Policy No. GA 9965636, \$1M limit, 09/01/79 – 09/01/82;
- (9) Sentry Insurance Company, Policy No. 90-01709-03, \$1M limit, 04/01/85 – 04/01/86;

INTERROGATORY NO. 56.1:

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

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

RESPONSE TO INTERROGATORY NO. 56.1:

No.

INTERROGATORY NO. 57:

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

RESPONSE TO INTERROGATORY NO. 57:

Walter Hedgren, Mary Hedgren, Timothy Hedgren, Wade Hedgren, Russel T. Bundy, Harold Rucker, Dr. Neuss, Robert H. Rander, Randy Zink. Discovery and investigation are continuing.

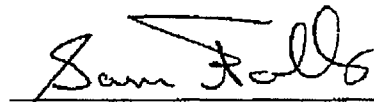
INTERROGATORY NO. 58:

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

RESPONSE TO INTERROGATORY NO. 58:

Upon information and belief, early to mid 1980's.

DATED: November 14, 2003



WILLIAM O. MARTIN, JR.
SAMUEL O. FOLLIS
HAIGHT, BROWN & BONESTEEL
Attorneys for APV BAKER

with consent of

LAURA KINGSLEY HONG
SQUIRE, SANDERS & DEMPSEY LLP
Attorneys for APV BAKER

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA

)

COUNTY OF LOS ANGELES

)

ss.:

)

Hedgren v. Chesterton, Inc., et al.
498230

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6080 Center Drive, Suite 800, Los Angeles, CA 90045-1574.

On November 14, 2003, I served on interested parties in said action the within:

RESPONSE OF APV BAKER, A DIVISION OF APV NORTH AMERICA, TO
PLAINTIFFS' INTERROGATORIES

by placing a true copy thereof in sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Los Angeles, California.

Ladd R. Gibke, Esq.
Baron & Budd, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Theresa L. Nelson, Esq.
Baron & Budd, P.C.
30 Overbrook Blvd., Suite "F"
Monroe, OH 45050

214.521.3605 F: 214.520.1181

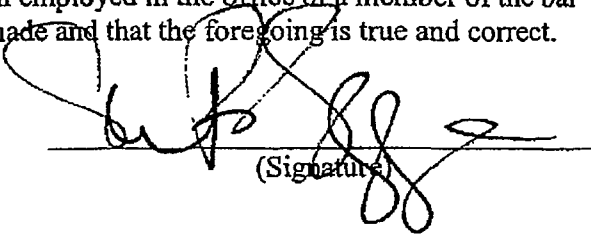
513.539.2912 F: 513.539.2907

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

Executed on November 14, 2003, at Los Angeles, California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Sean P. Swayze
(Type or print name)



(Signature)

VERIFICATION

STATE OF MICHIGAN

)

) ss.

)

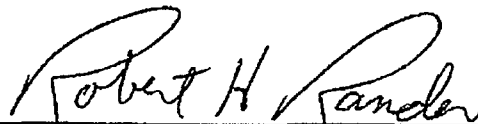
COUNTY OF KENT

I have read the foregoing RESPONSE OF APV BAKER, A DIVISION OF APV NORTH AMERICA, TO PLAINTIFFS' INTERROGATORIES and know its contents.

I am a representative of APV Baker, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on November 13, 2003, at Conklin, Michigan.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Robert H. Rander

Subscribed and sworn to before me

this 13 day of November, 2003.



LORI SHELLLEN
Notary Public, Kent County, Michigan
My Commission Expires January 9, 2005

Notary Public in and for said
County and State

My Commission Expires 01/09/2005

(SEAL)