

interrogatories. Unless otherwise stated in an answer to a specific interrogatory, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc. manufactured asbestos-containing insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory in regard to any period of time other than the period during which it engaged in the business involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

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

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

Q. 1. Identify the individual or individuals answering these interrogatories for Owens-Illinois, Inc.

A. 1. This defendant states that it has referred to the relevant business records of the Owens-Illinois Glass Company, which are still in the possession of Owens-Illinois, Inc., in connection with the preparation of answers to these interrogatories unless otherwise indicated.

Q. 2. Please state Owens-Illinois, Inc.'s basis for the affirmation in the attached Exhibit A that Kaylo heat insulation is "non-toxic."

A. 2. This defendant objects to this interrogatory as being vague, ambiguous, overly broad, argumentative, and does not permit the formulation of an answer. Further, this interrogatory seeks an answer which would require speculation by the defendant, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May, 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports

in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge was that there was a recognized safe exposure level for asbestos dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September, 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

Q. 3. Please identify all reports, studies, and tests conducted by Owens-Illinois, Inc. or other parties but relied upon by Owens-Illinois, Inc., that form the basis for the affirmations stated in Exhibit A that "[f]ew materials have been so thoroughly tested" and Kaylo is "non-toxic."

A. 3. Refer to Answer to Interrogatory No. 2.

Q. 4. Why did Owens-Illinois, Inc. feel compelled to affirm in the attached brochure that Kaylo was "non-toxic."

A. 4. This defendant objects to this interrogatory as being vague, ambiguous, overly broad, argumentative, and does not permit the formulation of an answer. Further, this interrogatory seeks an answer which would require speculation by the defendant, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

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AFFIDAVIT

STATE OF OHIO)
)SS:
COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO SUPPLEMENTAL INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

A. H. Smith

A. H. SMITH

SWORN TO and subscribed
before me this 29th day
of August, 1989.

Shirley J. Broczynski
Notary Public

My Commission Expires:

SHIRLEY J. BROCYNSKI
Notary Public, State of Ohio
My Commission Expires Oct. 15, 1992