

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PLAINTIFF'S EXHIBIT

ARC-2

IN RE: ALL BARON & BUDD CASES IN
WHICH ALLEN REFRACTORIES, INC.
IS NAMED AS DEFENDANT

Plaintiffs,

v.

A-BEST PRODUCTS CO., ET AL.,

Defendants.

Asbestos Master Case No. 073958

JUDGE: HARRY HANNA

DEFENDANT ALLEN
REFRACTORIES COMPANY'S
RESPONSES TO BARON &
BUDD CASES REQUEST FOR
PRODUCTION OF DOCUMENTS

Now comes Defendant, Allen Refractories, Inc. ("Allen"), and provides the following Responses to Baron & Budd Cases Request for Production of Documents Directed to Defendant Allen. Allen provides these Responses as a separate document, but asserts that the Answers are a response to each Request and its subpart as provided by Plaintiffs.

PRELIMINARY STATEMENT

- (A) The information supplied in these Responses is not based solely upon the knowledge of the executing party, but includes some information assembled by and/or within the knowledge of the party's authorized agents, representatives, and, unless privileged, attorneys. Because much of the information is of, or relates to, events of many years ago, it is difficult, if not impossible, for this Defendant to retrieve or reconstruct some of the requested information. Many of the individuals who might have had personal knowledge of the matters to which Plaintiffs' discovery relate are deceased or are otherwise unavailable to Defendant, and investigations to date indicate that some information in documents which might relate to matters inquired into by Plaintiffs' discovery may have been discarded pursuant to Defendant's normal record retention policy or are otherwise unable to find. This Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of such information or documents and this Defendant is also engaged in a continuing investigation with respect to the matters inquired into by Plaintiffs' discovery. Therefore, this Defendant reserves the right to amend these responses if new or more accurate information becomes available or if errors are discovered. Furthermore, these responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these responses as a result of mistake, error or oversight.

- (B) The word usage and sentence structure is that of the attorneys who, in fact, prepared these Answers and does not purport to be the exact language of the executing party.
- (C) The Requests have been interpreted and answered in accordance with the Ohio Rules of Procedure, plain English usage, and, to the extent not specifically challenged by objection, the definitions and instructions if same were included.
- (D) All Answers of Allen are subject to continuing investigation and discovery, and Defendant reserves the right to supplement or amend said responses at any time during the course of this litigation.
- (E) Allen objects to the extent that these Requests seek to elicit information that is protected by the attorney-client privilege, the work product doctrine or constitutes trial preparation material and to the extent they seek to elicit an expert witness opinion beyond the scope of permissible discovery.
- (F) Allen further objects to the Requests as Defendant has not been provided with sufficient information by Plaintiffs to enable it to respond to these discovery requests. The Plaintiffs have not identified the product(s) with specificity that allegedly were sold by Allen and that Plaintiff claims were a substantial causative factor in producing his/her alleged asbestos-related diseases.
- (G) Unless otherwise stated in an answer to specific Requests, the responses herein are limited to the products allegedly supplied to "Plaintiff's employers" which Defendant understands to be places where the Plaintiff(s) were employed. Defendant objects to answering Interrogatories requesting information relating to any other locations on the grounds that such additional information is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence, and, furthermore, would be burdensome, expensive and harassing.

Without waiving any of its objections, and subject thereto, Allen hereby responds to Plaintiffs' Request as follows:

1. RESPONSE:

No such documents exist.

2. RESPONSE:

Not applicable. See Answer to Interrogatory No. 5.

3. RESPONSE:

No such documents exist.

4. RESPONSE:

No such documents exist.

5. RESPONSE:

No such documents exist.

6. RESPONSE:

No such documents exist.

7. RESPONSE:

No such documents exist.

8. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 5.

9. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 18.

10. RESPONSE:

No such documents exist. See Answers to Interrogatories Nos. 5 and 19.

11. RESPONSE:

No such documents exist. See Answer to Interrogatories Nos. 5 and 21.

12. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 22.

13. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 23.

14. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 24.

15. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 25.

16. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 5.

17. RESPONSE:

No such documents exist. See Answers to Interrogatories Nos. 5 and 41.

18. RESPONSE:

No such documents exist. See Answers to Interrogatories Nos. 5 and 43.

19. RESPONSE:

No such documents exist.

20. RESPONSE:

No such documents exist.

21. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 52.

22. RESPONSE:

No such reports exist at this time. Defendant will provide any such reports in accordance with the time line provisions in the Case Management Order governing these cases. Additionally, see Answer to Interrogatory No. 53.

23. RESPONSE:

Copies of all such policies are available for copying at the offices of Allen Refractories, Inc.

24. RESPONSE:

No such documents exist.

25. RESPONSE:

No such documents exist.

26. RESPONSE:

No such documents exist.

27. RESPONSE:

No such documents exist. See Answer to Interrogatory No. 3.

28. RESPONSE:

Any such documents are available for copying at the offices of Allen Refractories, Inc.

29. RESPONSE:

See Response 28., *supra*.

30. RESPONSE:

No such documents exist.

31. RESPONSE:

No such documents exist.

32. RESPONSE:

No such documents exist.

33. RESPONSE:

No such documents exist.

34. RESPONSE:

No such documents exist.

35. RESPONSE:

No such documents exist.

36. RESPONSE:

No such documents exist.

37. No such documents exist.

38. RESPONSE;

No such documents exist.

39. RESPONSE:

No such documents exist.

40. RESPONSE:

No such documents exist.

41. RESPONSE:

No such documents exist.

42. RESPONSE:

Defendant will provide any such documents, if any, in accordance with any relevant provisions of the Case Management Order governing these cases.

43. RESPONSE:

Defendant will provide any such materials in accordance with any relevant provisions of the Case Management Order governing these cases.

44. RESPONSE:

No such records exist at this time.

45. RESPONSE:

Defendant will provide any such documents, if any, in accordance with any relevant provisions of the Case Management Order governing these cases.

46. RESPONSE:

No such documents exist.

47. RESPONSE:

No such documents exist.

48. RESPONSE:

No such documents exist.

49. RESPONSE:

No such documents exist.

50. RESPONSE:

Not applicable at this time.

51. RESPONSE:

See Response to Request Nos. 23 and 28, *supra*.

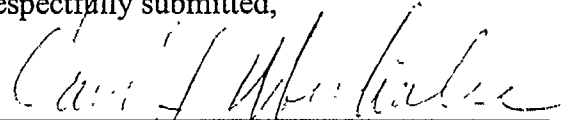
52. RESPONSE:

See Answer to Interrogatory 13.1.

Of Counsel:

**GALLAGHER, SHARP, FULTON
& NORMAN**

Respectfully submitted,



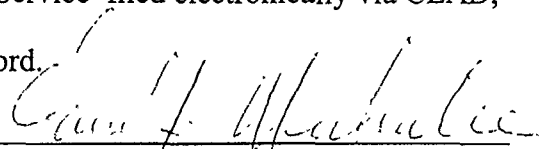
**THOMAS E. DOVER (0016765)
DANIEL J. MICHALEC
Attorneys for Defendant,
Allen Refractories Company
Sixth Floor-Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Telephone: (216) 241-5310
Facsimile: (216) 241-1608**

CERTIFICATE OF SERVICE

A copy of the foregoing was sent, via regular U.S. mail, postage pre-paid, to Counsel for Plaintiffs, Ladd Gibke, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, this 22nd day of December, 2002, with Notice of Service filed electronically via CLAD, such filing constituting notice to all other Counsel of Record.

Of Counsel:

**GALLAGHER, SHARP, FULTON
& NORMAN**


THOMAS E. DOVER (0016765)
DANIEL J. MICHALEC (0042733)
Attorneys for Defendant,
Allen Refractories Company
Sixth Floor-Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Telephone: (216) 241-5310
Facsimile: (216) 241-1608

593953