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Responses to Plaintiffs' First Set of Interrogatories

MD075.ASB
08/26/93

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

IN RE: PERSONAL INJURY
AND WRONGFUL DEATH ASBESTOS
CASES

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*

BILL ADAMS, ET AL.
Plaintiffs

*

September Term

v.

*

Before the Honorable
Joseph I. Pines,
Circuit Court Judge

ARMSTRONG WORLD INDUSTRIES,
INC., ET AL.

*

Defendants

*

Case No.:

* * * * *

**DEFENDANT, OWENS-ILLINOIS, INC.'S RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANTS**

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories apparently occurred more than thirty-five years ago. In addition, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in any such business. It does not now and it has not since that sale manufactured, distributed or sold any of its asbestos-containing products. As a result of the foregoing factors, many of the individuals who might have had personal knowledge of the matters to which plaintiffs' interrogatories relate are deceased, or are otherwise unavailable to Owens-Illinois, Inc., and investigations to date indicate that at least some documents which relate to matters inquired about by these interrogatories were transferred to Owens-Corning Fiberglas Corporation with the transfer of the business in question in 1958. Owens-Illinois, Inc. is engaged in a continuing

public accountant firm or firms which compile net worth statements and profit and loss statements for you for the past seven years, to date.

A. 13. Not applicable to this defendant.
Refer to answer to Interrogatory No. 12.

Q. 14. List by title, author or authors, publisher and date of publication all scientific articles, treatises, text books, books, magazines, handbooks, manuals and any other published matter whatsoever, of a scientific, industrial hygiene or engineering, medical or industrial or consumer safety nature, which you have ever possessed, regardless of whether it was contained in your library.

A. 14. This defendant objects to this interrogatory as being vague, ambiguous, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited in time or scope to any issue which is the subject of this case. Further, this defendant objects to this interrogatory in that it seeks information protected by the attorney-client and/or the attorney work-product privilege. Without waiving the above objections, during the period of time pertinent to these actions, this defendant did not maintain an entity which would be characterized as an industrial hygiene, medicine, safety and/or engineering library. However, this defendant believes that a separate engineering library may have been maintained by its technical facility. This defendant also states that although it has no records indicating the existence of such a library, upon becoming involved in asbestos-related litigation this defendant listed all the publications which were in its then existing industrial hygiene library. These publications are listed on Exhibit III. This defendant has not yet determined which, if

any, of these publications were in this defendant's possession during the time it manufactured, sold and distributed its asbestos-containing products.

Q. 15. Give the date of acquisition by you of each such publication listed in your answer to the interrogatory immediately preceding.

A. 15. This defendant incorporates by reference its objection and answer to Interrogatory No. 14.

Respectfully submitted,

Gerry H. Tostanoski
Lawrence L. Hooper, Jr.
Gerry H. Tostanoski
Tydings & Rosenberg
100 East Pratt Street
Baltimore, Maryland 21202
(410) 752-9700

Attorneys for defendant,
Owings-Illinois, Inc.

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF WOOD)

H. G. BRUSS, 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 INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.



H. G. BRUSS

SWORN TO and subscribed before me this 21th day of August, 19 93

My Commission Expires: Theresa R. DeWitt, Attorney at Law 19

SEAL

NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration
date, Section 147.03 O.R.C.



Notary Public

EXHIBIT III

American Medical Association Archives Health, published by the American Medical Association, Vol. 11, 1955, through Vol. 1958.

American Industrial Hygiene Association Quarterly, 1946 through 1958.

Annual Review of Nuclear Science, published by Annual Reviews, Inc., 1952 through 1953; 1955 through 1957.

Archives of Industrial Hygiene and Occupational Medicine, published by the American Medical Association; 1950 to 1954.

British Journal of Industrial Medicine, published by British Medical Association, 1949 through 1958.

Industrial Medicine and Hygiene, published by Butterworth and Company, 1954 through 1956.

Industrial Medicine and Surgery, 1949 through 1952.

Journal of Industrial Hygiene and Toxicology, The,
published by the Williams and Wilkins Company, 1928 through 1949.

Noise Control, published by the Accoustical Society of
America, 1955 through 1958.

Aids to Anatomy, Last, 1951.

Airborne Contagion and Air Hygiene, An Ecological Study
of Traupwood Infections, Wells, 1955.

Analytical Chemistry. By Treadwell, Vol. 1,
Quantitative Analysis, 1937.

Chemical Analysis of Industrial Solvents, Jacobs and
Scheslan, 1953.

Chemical Engineers' Handbook, edited by Perry, 1941.

Design of Industrial Exhaust Systems, Alden, 1939.

Dictionary of Modern English Usage, A, by Fowler, 1926.

Electromagnetically Enriched Isotopes and Mass
Spectrometry, Proceedings of the Conference Held in Cockcroft
Hall, Harwell, Sept., 1955;

Encyclopedia of Instrumentation for Industrial Hygiene,
edited by Yasse, Byers and Hosey, 1956.

Fatigue, edited by Floyd and Welford, 1953.

Fatigue of Workers - Its Relation to Industrial Production, Committee on Work Industry of the National Research Council, 1941.

Fuels and Combustion, Smith and Stinson, 1952.

Acoustics and Vibrational Physics, Stevens and Bate, 1950;

Acoustical Engineering, Olson, 1957;

Acoustic Measurements, Beranek, 1949;

The Measurement of Hearing, Hirsh, 1952;

Man's World of Sound, Pierce and David, 1958;

Technical Aspects of Sound, edited by Richardson, 1953;

Physiological Acoustics, Weaver and Lawrence, 1954;

Fundamentals of Acoustics, 2nd Edition, Kinsler and Frey, 1950;

Acoustics Noise in Buildings, Parkin and Humphreys, 1958;

Hearing and Deafness, 3rd Edition, edited by Davis and Silverman, 1947;

A Textbook of Sound, Wood, 1949;

Noise Reduction Manual, Geiger, 1953;

Physical Acoustics, Supplement 1, edited by Lukasik and Nolle, 1955;

Foundry Noise Manual, American Foundrymen's Society, 1958 and 1956;

Foundry Ventilation and Dust Control, Harrogate, 1956;

Body Temperature, Its Changes with Environment, Disease and Therapy, Selle, 1952;

Applied Heat Transmission, Stoevers, 1941;

Heat and Temperature Measurement, Weber, 1950;

Life Heat and Altitude, Dill, 1938;

Heat Insulation, Wilkes, 1950;

Basic Principles of Ventilation and Heating, Bedford, 1948;

Heat Transmission, McAdams, 1942;

Climate in Everyday Life, Brooks, 1951;

Handbook of Chemistry, Lange, 1956.

Handbook of Emergency Toxicology, Kaye, 1954.

Handbook of Glass Manufacture. By Tooley, 1953.

Handbook of Material Trade Names, Zimmerman and Lavine,

1957: Handbook of Toxicology, edited by Spector, 1955 and

History of Factory and Mine Hygiene, Teleky, 1948.

Human Machine, The, Shilling, 1955.

Industrial Environment and Its Control, The, by
Dallavalle, 1948.

Industrial Medicine and Hygiene, edited by Merewether,
1954 through 1956.

Industrial Methods of Analysis, Willard, Merritt, and
Dean, 1948.

Industrial Poisons in the United States, Hamilton, 1929.

Industrial Toxicology, Hamilton and Johnstone, 1945.

Introduction to Medical Biometry and Statistics, Pearl,
1923.

Introductory Quantitative Chemistry, Olson, Koch and
Pimentel, 1955.

Language Habits in Human Affairs, Lee, 1941.

Manual of Industrial Health Hazards, Ficklen, 1940.

Manual of the International List of Causes of Death,
U.S. Government Printing Office, 1929.

Manual of the International Statistical Classification
of Diseases, Injuries, and Causes of Death, Vol. 2, Alphabetical
Index, 1950.

Mechanical Engineer's Handbook, edited by Marks, 1951.

Methods of Air Analysis. By Haldane, 1935.

Noxious Gas and the Principles of Respiration
Influencing their Action, Henderson and Haggard, 1927.

Odors Physiology Control, Cord and Witheridge, 1949.

Preventive Medicine and Public Health, Smillie, 1947.

Professional Engineer's Examination Questions and
Answers, Londe, 1956.

Radioisotopes in Scientific Research, edited by
Extermann, 1958.

1958. Roget's College Thesaurus, The New American Library,

Standard Methods of Chemical Analysis, Scott, 5th Edition, 1925.

Symposium on Instrumentation in Atmospheric Analysis, published by The American Society for Testing and Materials, 1958.

Toxicology and Hygiene of Industrial Solvents, edited by Lehmann and Flury, 1943.

Women in Industry - Their Health and Efficiency, Baetjer, 1946.

Proceedings of the 9th International Congress on Industrial Medicine, 1949.

The Pneumoconiosis Problem, Thomas, 1958.