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PLAINTIFF'S EXHIBIT

K-1967

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ALAMEDA

12 IN RE: SHIPYARD AND) No. 537 868-7
13 APPLICATOR ASBESTOS CASES)
14 (KAZAN AND KILBOURNE)) RESPONSES OF OWENS-ILLINOIS,
15 CONSOLIDATED FOR DISCOVERY) INC., TO PLAINTIFFS' FIRST
16 SET OF INTERROGATORIES

17 PROPOUNDING PARTY: PLAINTIFFS

18 RESPONDING PARTY: DEFENDANT OWENS-ILLINOIS, INC.

19 SET NUMBER: ONE

20 PRELIMINARY STATEMENT

21 Some of the events which may be relevant to the
22 matters inquired about by Plaintiffs' Interrogatories appar-
23 ently occurred more than thirty-five years ago. In addition,
24 more than twenty-four years ago, effective April 30, 1958,
25 Owens-Illinois, Inc. disposed of the business involved in
26 this action by way of sale of that business to Owens-Corning
27 Fiberglas Corporation. Since that time, Owens-Illinois,
28 Inc. has not engaged in any such business. It does not now
and it has not since that sale manufactured, distributed or
sold any asbestos-containing products. As a result of the
foregoing factors, many of the individuals who might have

1 had personal knowledge of the matters to which plaintiffs'
2 interrogatories relate are deceased, or are otherwise
3 unavailable to Owens-Illinois, Inc., and investigations to
4 date indicate that at least some documents which relate to
5 matters inquired about by these interrogatories may have
6 been transferred to Owens-Corning Fiberglas Corporation with
7 the transfer of the business in question in 1958. Owens-
8 Illinois, Inc. is engaged in a continuing investigation in
9 an attempt to locate, confirm the transfer of, or confirm
10 the absence of, such documents and is also engaged in a con-
11 tinuing investigation into the matters inquired about in
12 these interrogatories. Unless otherwise stated in an answer
13 to a specific interrogatory, the answers set out hereinafter
14 are limited to the period during which Owens-Illinois, Inc.
15 manufactured asbestos-containing insulation products and to
16 the facilities related to that business. The following is a
17 part of and is incorporated by reference in every answer
18 provided hereinafter:

19 This answer is accurate as of the
20 date of the Responses of Owens-Illinois,
21 Inc. to Plaintiffs' First Set of Inter-
22 rogatories. However, Owens-Illinois,
23 Inc.'s investigation is continuing, and
24 Owens-Illinois, Inc. cannot exclude the
25 possibility that it may be able to obtain
26 more complete information or even infor-
27 mation which indicates that the answer
28

being supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory with 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 and in regard to any facility not related to said 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 answer and to the extent necessary to fairly and fully answer the interrogatory.

1 INTERROGATORY NO. 1:

2 Please state the name, place of employment, present
3 address and job title of each person who has supplied infor-
4 mation used in answering these interrogatories.

5 RESPONSE TO INTERROGATORY NO. 1:

6 This defendant states that it has referred to the
7 relevant business records of the Owens-Illinois Glass Company,
8 which are still in the possession of Owens-Illinois, Inc.,
9 in connection with the preparation of answers to these inter-
10 rogatories unless otherwise indicated. This defendant objects
11 to further answering this interrogatory on the grounds that
12 it is not relevant to the subject matter of this litigation
13 or reasonably calculated to lead to the discovery of admissible
14 evidence.

15 INTERROGATORY NO. 2:

16 Please state whether or not this defendant is a
17 corporation; if so, please state (a) this defendant's correct
18 corporate name, (b) the state of incorporation, (c) the address
19 of this defendant's principal place of business, (d) whether
20 or not defendant has ever held a Certificate of Authority to
21 do business in the State of California, and (e) whether the
22 ownership is publicly or privately held.

23 RESPONSE TO INTERROGATORY NO. 2:

24 Yes.

25 (a) Owens-Illinois, Inc.

26 (b)-(c) Owens-Illinois Glass Company was incorporated
27 in the State of Ohio in 1929. Owens-Illinois Glass Company
28

1 changed its name to Owens-Illinois, Inc. on April 28, 1965.
2 The address of the principal place of business is One SeaGate,
3 Toledo, Ohio 43666.

4 (d) Yes, this defendant has been authorized to do
5 business in the State of California since 1/3/44.

6 (e) This defendant is a publicly held corporation.

7 INTERROGATORY NO. 3:

8 If this defendant has ever been identified, known
9 or done business under any other name during any period of
10 its existence please state such name or names and the time
11 period during which this defendant was so known or
12 identified.

13 RESPONSE TO INTERROGATORY NO. 3:

14 Refer to answer to Interrogatory No. 2.

15 INTERROGATORY NO. 4:

16 If any parent corporation, predecessor business
17 entity, subsidiary of this defendant, successor in interest,
18 or any corporation in which this defendant holds, or held a
19 controlling interest, has mined, manufactured, sold, distributed,
20 imported or supplied any asbestos containing product(s),
21 please state the name(s) of such entity(ies), corporation(s)
22 or predecessor(s).

23 RESPONSE TO INTERROGATORY NO. 4:

24 This defendant objects to this interrogatory on
25 the basis that it seeks information which is not relevant to
26 the subject matter of this litigation and is not reasonably
27 calculated to lead to the discovery of admissible evidence.
28

1 Without waiving the above objection, no predecessor or suc-
2 cessor of this defendant, or any corporation in which this
3 defendant held a controlling interest, has mined, manufactured,
4 sold, distributed, imported or supplied any asbestos-containing
5 products.

6 American Structural Products, a wholly owned subsidiary
7 of Owens-Illinois Glass Company, engaged in the manufacture,
8 sale and distribution of asbestos-containing products from
9 about January, 1948 until about June, 1949.

10 INTERROGATORY NO. 5:

11 If this defendant has purchased, acquired or merged
12 at any time with any business entity, or any preexisting or
13 established operating division of any other company or business
14 entity, which mined, manufactured, labelled, sold, distributed,
15 imported or supplied any asbestos-containing product(s),
16 please state the name of such business entity(ies) or operating
17 division(s).

18 RESPONSE TO INTERROGATORY NO. 5:

19 This defendant objects to this interrogatory on
20 the basis that it seeks information which is not relevant to
21 the subject matter of this litigation and is not reasonably
22 calculated to lead to the discovery of admissible evidence.
23 Without waiving the above objection, this defendant states that
24 it has not acquired or merged with any other entity engaged
25 in the asbestos-containing product business. This defendant
26 sold its asbestos-containing products business to Owens-
27 Corning Fiberglas Corporation about April 30, 1958.
28

1 INTERROGATORY NO. 6:

2 Does, or at any time did, this defendant own any
3 share of stock, or otherwise have an interest, in a company
4 that either mines, produces or sells raw asbestos fiber? If
5 the answer is in the affirmative, state the following:

- 6 (a) The name of such corporation or entity;
7 (b) The date of incorporation or charter;
8 (c) The state or country of incorporation;
9 (d) Each ownership interest owned in such corpor-
10 ation, setting forth any change in such interest;
11 (e) The date each such interest was acquired;
12 (f) The date of formation of such corporation or
13 entity;
14 (g) The names of all shareholders owning more
15 than 5% of the shares of stock of such corporation;
16 (h) The date each such interest changed or termi-
17 nated, if applicable;
18 (i) The name and location of each asbestos mine
19 so owned; and
20 (j) The grade and type of asbestos mined at each
21 mine.

22 RESPONSE TO INTERROGATORY NO. 6:

23 This defendant objects to this interrogatory on
24 the basis that it seeks information which is not relevant to
25 the subject matter of this litigation and is not reasonably
26 calculated to lead to the discovery of admissible evidence.

27 Without waiving this objection, this defendant
28 does not nor did it own any stock in a company which mines,

1 produces or sells raw asbestos.

2 INTERROGATORY NO. 7:

3 Please state whether this defendant has organization
4 charts; if so, state whether you will produce copies of this
5 defendant's different organizational charts for the last
6 forty years without a request to produce.

7 RESPONSE TO INTERROGATORY NO. 7:

8 This defendant objects to this interrogatory on
9 the basis that it seeks information which is not relevant to
10 the subject matter of this litigation and is not reasonably
11 calculated to lead to the discovery of admissible evidence.

12 INTERROGATORY NO. 8:

13 Please state the following:

14 (a) The address where the corporate records of
15 this defendant (including but not limited to minutes from
16 Board of Directors meetings and corporation annual reports),
17 are currently located.

18 (b) The name, job title and current address of
19 the custodian for this defendant's corporate records.

20 (c) Whether this defendant would produce such
21 records for inspection and copying without a formal request
22 for production of documents.

23 RESPONSE TO INTERROGATORY NO. 8:

24 (a)-(b) Legal Department, Owens-Illinois, Inc.,
25 One SeaGate, Toledo, Ohio 43666.

26 (c) No.
27
28

1 INTERROGATORY NO. 9:

2 State: the net worth of this defendant at the end
3 of the last fiscal year.

4 RESPONSE TO INTERROGATORY NO. 9:

5 This defendant objects to this interrogatory on
6 the basis that it seeks information which is not relevant to
7 the subject matter of this litigation and is not reasonably
8 calculated to lead to the discovery of admissible evidence.

9 INTERROGATORY NO. 10:

10 Please state whether this defendant, between 1930
11 and the present, has ever engaged in the following activities
12 with regard to raw asbestos fiber, and if so, please state
13 the inclusive dates of each such activity;

14 (a) mining

15 (b) milling

16 (c) supply

17 (d) importing

18 (e) processing

19 (f) distribution

20 (g) marketing

21 (h) sale

22 (i) mixing and/or compounding

23 RESPONSE TO INTERROGATORY NO. 10:

24 This defendant has no records indicating that it
25 engaged in the mining, milling, supply, importing for others,
26 processing, distribution, marketing, sale, mixing and/or
27 compounding of raw asbestos fiber.

28

1 INTERROGATORY NO. 11:

2 Please state whether this defendant, between 1930
3 and the present, has ever engaged in the following activities
4 with regard to asbestos-containing product(s) and/or material(s),
5 and if so, please state the inclusive dates of each such
6 activity:

7 (a) manufacture

8 (b) supply

9 (c) importing

10 (d) processing

11 (e) distribution

12 (f) marketing

13 (g) sale

14 (h) mixing and/or compounding

15 RESPONSE TO INTERROGATORY NO. 11:

16 (c, d, h) No.

17 (a, b, e, f, g) Yes. However, this defendant has
18 not engaged in these activities for the entire period between
19 1930 and the present. This defendant began limited pilot
20 plant activities involving the manufacture of asbestos-containing
21 products in 1943 and continued such pilot plant activities
22 until 1948. This defendant began the manufacture, sale and
23 distribution of commercial quantities of Kaylo in 1948 and
24 continued such manufacture until April, 1958. In 1953, this
25 defendant entered into a sales agreement with Owens-Corning
26 Fiberglas Corporation under which it agreed to the sale of
27 asbestos-containing products to that corporation. Owens-
28 Illinois believes that it ceased the general marketing and

1 sales of its asbestos-containing thermal insulation products
2 at that time, disbanded its sales force, and that thereafter,
3 Owens-Corning Fiberglas Corporation was the primary marketer
4 of its product until the sale of the division to Owens-Corning
5 Fiberglas in 1958. This defendant has not been involved in
6 the asbestos-containing product business since that date.

7 INTERROGATORY NO. 12:

8 If the answer to either of the preceeding two questions
9 regarding the mining, supply, importing, processing, distribution,
10 labelling, manufacture, marketing and/or sale of asbestos-
11 containing products and/or materials by this defendant is
12 affirmative, please state the following as to such raw asbestos
13 fiber and/or as to each such asbestos-containing product
14 and/or material:

15 (a) The trade, brand name and/or generic name of
16 each and every such product and/or material mined, supplied,
17 distributed, processed, imported, labelled, manufactured,
18 and/or marketed in any form or quantity between 1930 and the
19 present time.

20 (b) The date(s) each such product and/or material
21 was first placed on the market, including the date(s) each
22 such product or material was first marketed:

23 (i) on an experimental basis;

24 (ii) on a test basis; or

25 (iii) for sale.

26 (c) The date(s) each such product and/or material
27 was withdrawn from the market.
28

(d) A description of the physical (the chemical) composition of each such product and/or material including the type and/or grade of asbestos and/or asbestos fiber contained in each such product and/or material and the quantitative percentage of asbestos or asbestos fiber in each such product and/or material.

(e) A description of the physical appearance and nature of each such product and/or material, including any color coding, distinctive marking and/or logo.

(f) A detailed description of the intended uses of each such product and/or material, including any temperature limits for each such use.

(g) The method of manufacture and production, for each such product and/or material.

(h) The name of the manufacturer of each such product and/or material.

(i) The volume and weight of each such product and/or material.

(j) The name and location of each asbestos mine which this defendant presently operates, operated in the past, and/or in which defendant has or had an ownership interest, the inclusive dates of such ownership, and the grade and type of asbestos fiber mined.

(k) The name and address of the suppliers of the asbestos fiber used in each such product and/or material.

(l) Whether any of this defendant's products and/or materials containing asbestos fibers have, at any time, been

1 sold to any companies (including power companies or utilities),
2 shipyards, distributors, refineries, suppliers and/or manu-
3 facturers in California. If so, please state:

4 (i) The names of each such company, shipyard,
5 distributor, supplier, manufacturer or refinery.

6 (ii) The inclusive dates of each such sale, and
7 the amount (volume) and the trade or brand name of each product
8 and/or kind of material sold.

9 (iii) Whether you have any records indicating
10 any such sale and, if so, the name, address, and job classi-
11 fication of each individual who currently has possession of
12 such records.

13 (m) Whether any of this defendant's asbestos fibers
14 has, at any time, been sold to any companies, (including
15 power companies or utilities), shipyards, distributors,
16 refineries, suppliers, and/or manufacturers in the San Francisco
17 Bay Area. If so, please state:

18 (i) Whether you have any records indicating
19 any such sale and, if so, the name, address, and job classi-
20 fication of each individual who currently has possession of
21 such records.

22 (ii) The names and addresses of each such company,
23 shipyard, distributor, supplier, manufacturer or refinery or
24 power company.

25 (iii) The dates of each such sale and the amount
26 (volume) and the grade and type of asbestos fiber sold.
27
28

(n) Whether any of your asbestos products and/or materials have, at any time, been distributed, marketed and/or sold in California by companies other than your own. If so, please list the name and address of each such company and the name of each product and/or material so distributed, marketed and sold, and the inclusive dates of such marketing, distribution and selling.

(o) Whether any of the products and/or materials set forth above ceased to contain asbestos, if so, for each such product set forth the date asbestos ceased to be used.

(p) Describe all records sufficiently to identify them for discovery purposes which set forth any of the foregoing information and the custodian thereof (giving name and address) of each such records.

RESPONSE TO INTERROGATORY NO. 12:

Regarding raw asbestos, refer to answer to Interrogatory No. 10. This defendant ceased all involvement in the asbestos containing product business in 1958 and does not have sufficient information to further answer this interrogatory.

Regarding its asbestos-containing products, this defendant states the following:

(a) Kaylo.

(b, c) Refer to answer to Interrogatory No. 11.

This defendant currently believes that Kaylo continued to be manufactured and sold by Owens-Corning Fiberglas Corporation after it acquired the Kaylo Division from Owens-Illinois, Inc., effective April, 1958.

(d) This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. Its investigation as to the composition of each such product, including the type of asbestos contained therein (i.e., amosite or chrysotile) and the quantitative percentage of asbestos in each product, is continuing, although defendant now believes that its asbestos-containing products were hydrous calcium silicates containing a total asbestos content of between 13% and 25%. Chrysotile asbestos was the primary type apparently used. Amosite was used only after 1956 and then in a lesser amount than chrysotile.

(e) This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. Its investigation as to the physical appearance of each such product is continuing. Kaylo and Kaylo-20 were premolded, rigid products, and were manufactured in two forms, block and pipe covering. Kaylo was white or off-white in color, and Kaylo-20 was pinkish in color. Further, this defendant has found information in its business records which indicate that in 1956, it placed the Owens-Corning Fiberglas logo on some of its Kaylo products.

(f) The asbestos-containing products manufactured by this defendant were intended to be used for industrial high temperature thermal insulation such as pipe covering and block insulation, and to increase fireproofing and fire protection and for insulation through use as a roof deck or fireproof material or door core material. Kaylo was intended

1 for use on temperatures up to 1200°F and Kaylo-20 was intended
2 for use on temperatures up to 1800°F.

3 (g) This defendant objects to this interrogatory
4 on the grounds that it is vague, ambiguous, and overbroad.
5 Without waiving the above objection, this defendant has in
6 its records microfilm copies of technical reports relating
7 to the development and testing of Kaylo, and will make avail-
8 able to plaintiffs' counsel through its local counsel these
9 microfilm records. The microfilm is old and of poor quality.
10 Adequate copies may not be made from it, and reading it requires
11 a reader device. This defendant further states that its
12 investigation into the subject matter referred to in this
13 interrogatory is continuing.

14 (h) Owens-Illinois Glass Company and American
15 Structural Products Company.

16 (i) This defendant ceased the manufacture, sale
17 and distribution of asbestos-containing products in 1958.
18 This defendant has not found any information in its records
19 sufficient to enable it to answer this interrogatory. Its
20 investigation into the subject matter referred to in this
21 interrogatory is continuing.

22 (j) This defendant did not operate any asbestos
23 mines.

24 (k) This defendant now believes that the chrysotile,
25 which was the primary type of asbestos used in its insulation
26 products, was imported from Canada, and that at least some
27 of this chrysotile was purchased from Canadian Johns-Manville,
28

1 Ltd. This defendant further believes that the small amount
2 of amosite asbestos used in some of its products came from
3 South Africa. However, this defendant ceased the manufacture,
4 sale and distribution of asbestos-containing products in
5 1958 and does not have sufficient information in its business
6 records to further answer this interrogatory. Its investigation
7 as to the source or sources from which mined asbestos was
8 obtained is continuing.

9 (l) This defendant has records indicating payment
10 of distributors' commissions to the Fiberglass Engineering &
11 Supply Co., San Francisco, for Kaylo shipped to Colberg Boat
12 Works, Stockton, CA in 1953. This defendant also has records
13 indicating sales to Metalclad Insulation in 1950 and 1951
14 and to the U.S. Navy at Mare Island in 1953; Oakland in 1952,
15 1953 and 1954; San Francisco in 1952, 1953 and 1954; and
16 Vallejo in 1952.

17 (m) Does not apply to this defendant.

18 (n) Yes. Owens-Corning Fiberglas Corporation
19 starting in 1953.

20 (o) Kaylo did not cease to contain asbestos during
21 the time this defendant manufactured it.

22 (p) Refer to the answers to interrogatories contained
23 herein.

24 INTERROGATORY NO. 13:

25 For the period beginning 1930 to present, identify
26 each distributor in the San Francisco Bay Area and/or California
27 of defendant's asbestos-containing products and/or materials,
28

1 including the beginning dates of such distribution and ending
2 dates were applicable and the products and/or materials so
3 distributed. If any was an exclusive distributorship for a
4 time, please so state and identify the relevant time period.

5 RESPONSE TO INTERROGATORY NO. 13:

6 Refer to answer to Interrogatory No. 12.

7 INTERROGATORY NO. 14:

8 Describe in detail the records this defendant has
9 maintained over the period 1930 to present regarding sales
10 of its asbestos-containing products and/or materials to dis-
11 tributors in:

12 (a) California;

13 (b) The San Francisco Bay Area; and

14 (c) Provide the name and address of the person
15 having custody of any existing records and the location of
16 such records.

17 RESPONSE TO INTERROGATORY NO. 14:

18 This defendant has reviewed copies of the sales
19 records of the Kaylo Division of Owens-Illinois Glass Company
20 which are still in the possession of Owens-Illinois, Inc.
21 Copies of these records are in the Legal Department of Owens-
22 Illinois, Inc.

23 INTERROGATORY NO. 15:

24 Do you contend that any of the defendants listed
25 in Exhibit A, sold or supplied raw asbestos to any of the
26 companies, distributors, shipyards, power companies, manu-
27
28

1 facturers or refineries listed by this defendant in the answers
2 to preceding interrogatories? If so, please state:

- 3 (a) name of the defendant;
4 (b) to whom the raw asbestos was sold or supplied;
5 (c) when the raw asbestos was sold or supplied;
6 (d) the grade and fiber type of the asbestos;
7 (e) the name and location of the mine from which
8 such asbestos was mined.

9 RESPONSE TO INTERROGATORY NO. 15:

10 This defendant cannot answer this interrogatory
11 because this defendant did not receive the Exhibit A which
12 is referred to in this interrogatory.

13 INTERROGATORY NO. 16:

14 Do you contend that any of the defendants, listed
15 in Exhibit A, sold or supplied asbestos containing products
16 or materials to any of the companies, distributors, manufac-
17 turers, shipyards, power companies or refineries listed by
18 this defendant in your answers to preceding interrogatories?
19 If so, please state:

- 20 (a) name of defendant;
21 (b) the entity to whom the products were sold or
22 supplied;
23 (c) when the products were sold or supplied;
24 (d) the trade name and/or generic name of each
25 such product;

(e) whether you have any documents which support such contention and, if so, discuss each such document with sufficient specificity that it may be made the subject of a request for production of documents.

RESPONSE TO INTERROGATORY NO. 16:

This defendant cannot answer this interrogatory because this defendant did not receive the Exhibit A which is referred to in this interrogatory.

INTERROGATORY NO. 17:

If this defendant entered into any agreements for the rebranding of any asbestos-containing product(s) and/or material(s) mined, imported, manufactured, sold, distributed and/or supplied by this defendant for resale or distribution by another company, describe each agreement's terms and the parties to said agreement, the duration of the agreement, and name of each product(s) and/or material(s) covered by each such agreement.

RESPONSE TO INTERROGATORY NO. 17:

This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found any information in its records sufficient to enable it to answer this interrogatory. Its investigation into the subject matter referred to in this interrogatory is continuing.

INTERROGATORY NO. 18:

If this defendant entered into any agreements for the rebranding of asbestos-containing products and/or materials

1 mined, imported, manufactured, sold, distributed, and/or
2 supplied by another company for resale or distribution by
3 your company, describe each of the agreements, the parties
4 to said agreements, the terms, the duration and the names of
5 each product(s) and/or material(s) covered by each such
6 agreement.

7 RESPONSE TO INTERROGATORY NO. 18:

8 This defendant ceased all involvement in the asbestos-
9 containing product business effective April, 1958. This
10 defendant has no records which indicate that it ever entered
11 into an agreement as described in this interrogatory.

12 INTERROGATORY NO. 19:

13 Please state the date this defendant first purchased
14 or otherwise obtained asbestos, asbestos-fibers, and/or asbestos-
15 containing materials.

16 RESPONSE TO INTERROGATORY NO. 19:

17 This defendant ceased the manufacture, sale and
18 distribution of asbestos-containing products effective April,
19 1958. This defendant has not found any information in its
20 records sufficient to enable it to answer this interrogatory.
21 Its investigation into the subject matter referred to in
22 this interrogatory is continuing.

23 INTERROGATORY NO. 20:

24 Between the years 1930 to the present, did this
25 defendant purchase any product(s) and/or material(s) containing
26 asbestos from any other miner, manufacturer and/or producer
27 of such products and/or materials with the purpose of selling
28

1 such under defendant's own name? If so, state the name of
2 such miner, manufacturer and/or producer, date or approximate
3 dates of such purchase or purchases and the brand or trade
4 names of each such product(s) and/or material(s), and identify
5 any documents which reflect such.

6 RESPONSE TO INTERROGATORY NO. 20:

7 No.

8 INTERROGATORY NO. 21:

9 State whether any asbestos used, processed, mined,
10 manufactured, imported, supplied, distributed, labelled and/or
11 sold by this defendant was purchased from or acquired from
12 the General Service Administration or any branch or agency
13 of the United States government during the period 1930 to
14 the present date. If the answer is in the affirmative, state:

15 (a) The name and address of the agency which sup-
16 plied the asbestos.

17 (b) The grade and types of asbestos purchased or
18 acquired.

19 (c) The quantities of each type of asbestos purchased
20 or acquired annually during the period 1930 to the present
21 date.

22 (d) The means of packaging.

23 (e) The health warnings, if any, which accompanied
24 each shipment of asbestos and indicate when said warnings
25 were first made part of the shipments.
26
27
28

1 RESPONSE TO INTERROGATORY NO. 21:

2 This defendant has no records which would indicate
3 that it ever purchased asbestos from the General Services
4 Administration or any branch or agency of the United States
5 government.

6 INTERROGATORY NO. 22:

7 Please describe in detail the type of containers
8 or packaging in which defendant has sold asbestos-containing
9 products and/or materials, listing the dates each type of
10 package was used, a physical description thereof, and a
11 description of any printed materials, logo or trademarks
12 that appeared thereon.

13 RESPONSE TO INTERROGATORY NO. 22:

14 Some of this defendant's asbestos-containing in-
15 sulation products were packaged in corrugated cartons with
16 the trademark Kaylo on the carton. However, this defendant
17 ceased the manufacture, sale and distribution of asbestos-
18 containing products in 1958 and does not have information
19 sufficient to further answer this interrogatory. Its inves-
20 tigation into the subject matter referred to in this inter-
21 rogatory is continuing.

22 INTERROGATORY NO. 23:

23 As to each of the asbestos-containing products
24 and/or materials listed in your preceding answers to inter-
25 rogatories, does this defendant have in its possession a
26 picture, model, sample or brochure illustrating the color
27 and general description of the various packaging or containers
28 you have used to contain these products and/or materials

1 from 1930 to present date? If so, identify what item, where
2 each such item is located, and state when and where defendant
3 can make such illustrative material available for inspection
4 and/or copying.

5 RESPONSE TO INTERROGATORY NO. 23:

6 The company has located some old sales brochures
7 which may contain some of this information. The materials
8 are located at the company's headquarters in Toledo, Ohio,
9 care of the Legal Department, One SeaGate, Toledo, Ohio.

10 INTERROGATORY NO. 24:

11 As to each such product and/or material listed in
12 defendant's preceding answers to interrogatories, did defen-
13 dant put on such products and/or materials or their containers
14 any warning of their hazards to health by virtue of the asbestos
15 content of such products and/or materials? If so, state for
16 each such warning;

17 (a) Each such warning with particularity, with
18 regard to size, color, location, whether the warning was
19 contained on the material or on the container; whether the
20 warning was printed, stamped, and/or placed on a tag, nature
21 and wording or other content. State whether you have any
22 photographs thereof.

23 (b) The inclusive date on which you began using
24 each such warning on each of your asbestos products and/or
25 materials.

26 (c) All of the facts, circumstances and consider-
27 ations which motivated you to use such warning.
28

(d) All changes you made in such warnings, the dates of such changes and the reasons for such changes.

(e) The names, present addresses and titles of all persons on whose opinions you relied in determining to put such warnings on your products and/or materials or their containers.

RESPONSE TO INTERROGATORY NO. 24:

This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory. Its investigation into the subject matter referred to in this interrogatory is continuing. However, it does not appear that any warning concerning asbestos was appropriate in that it does not appear that this defendant had reason to believe that the use of its products would result in a foreseeable risk of harm.

INTERROGATORY NO. 25:

Has defendant, at any time, published and/or distributed any brochures, pamphlets or other written materials of any kind or character that contain any warnings concerning the possibility of injury from exposure to asbestos resulting from the use of the products and/or materials listed in the defendant's preceding answers to interrogatories? If so, please state for each such material:

(a). Each such warning with particularity, with regard to size, color, location, whether the warning was contained on the material or on the container; whether the

1 warning was printed, stamped, and/or placed on a tag, nature
2 and wording or other content. If possible, please enclose a
3 photograph thereof.

4 (b) A description of each such printed material.

5 (c) The method used to distribute the warning to
6 persons likely to use the products and/or materials.

7 (d) The inclusive date(s) each such warning was
8 issued.

9 (e) All of the facts, circumstances and consider-
10 ations which motivated you to use such warning.

11 (f) The names, present addresses and titles of
12 all persons on whose opinions you relied in determining to
13 put such warnings on your products and/or materials or their
14 containers.

15 (g) The name, address, and job classification of
16 each person who presently has possession of the above described
17 documents.

18 RESPONSE TO INTERROGATORY NO. 25:

19 This defendant ceased the manufacture, sale and
20 distribution of asbestos-containing products in 1958. This
21 defendant has not found information in its records sufficient
22 to enable it to answer this interrogatory. Its investigation
23 into the subject matter referred to in this interrogatory is
24 continuing. However, it does not appear that any warning
25 concerning asbestos was appropriate in that it does not appear
26 that this defendant had reason to believe that the use of
27 its products would result in a foreseeable risk of harm.
28

1 INTERROGATORY NO. 26:

2 As to any of the bags of raw asbestos referred to
3 in defendant's preceding answers to interrogatories, did
4 defendant put on such bags any warning of the hazards to
5 health by virtue of the asbestos contained therein? If so,
6 state for each such warning:

7 (a) Each such warning with particularity, with
8 regard to size, color, location, wording or other content;
9 whether the warning was contained on the material or on the
10 container; whether the warning was printed stamped, and/or
11 placed on a tag attached to the material or container.

12 (b) The inclusive dates each such warning was
13 issued on your bags of raw asbestos.

14 (c) All of the facts, circumstances and consider-
15 ations which motivated you to use such warning.

16 (d) All changes you made in such warnings, the
17 dates of such changes and the inclusive dates of such changes
18 and the reasons for such changes.

19 (e) The names, present addresses and titles of
20 all persons on whose opinions you relied in determining to
21 put such warnings on your raw asbestos.

22 (f) The name, address and job title of each person
23 who presently has possession of samples or documents relating
24 to the above warnings.

25 RESPONSE TO INTERROGATORY NO. 26:

26 Does not apply to this defendant. This defendant
27 did not sell or distribute "bags of raw asbestos."
28

1 INTERROGATORY NO. 27:

2 With respect to each of your asbestos-containing
3 products state whether this defendant's name, a trade mark,
4 logos, color coding or other identifying markings ever
5 appeared on the actual product itself. If so, identify each
6 such product, state when the practice to place such identi-
7 fying markings upon the product was begun and when it ended,
8 if applicable, and describe in detail the pertinent marking(s)
9 and the purpose, if any, of such markings.

10 RESPONSE TO INTERROGATORY NO. 27:

11 Refer to answer to Interrogatory No. 22. This
12 defendant ceased all involvement in the asbestos-containing
13 product business in 1958 and does not have sufficient infor-
14 mation to further answer this interrogatory.

15 INTERROGATORY NO. 28:

16 Were any efforts made by this defendant to alert
17 users, consumers and/or other persons likely to be exposed
18 to said products or materials of the raw asbestos or asbestos-
19 containing products or materials set forth in your answers
20 above to the risks and health hazards of use of and exposure
21 to such materials by virtue of their asbestos content? If
22 so, set forth in detail each and every such effort made by
23 you and the inclusive dates of each such effort.

24 RESPONSE TO INTERROGATORY NO. 28:

25 This defendant ceased the manufacture, sale and
26 distribution of asbestos-containing products in 1958. This
27 defendant has not found information in its records sufficient
28

((

1 to enable it to answer this interrogatory. Its investigation
2 into the subject matter referred to in this interrogatory is
3 continuing. However, it does not appear that any warning
4 concerning asbestos was appropriate in that it does not appear
5 that this defendant had reason to believe that the use of
6 its products would result in a foreseeable risk of harm.

7 INTERROGATORY NO. 29:

8 Have any written materials of any kind or character
9 been prepared by this defendant or its agents indicating how
10 defendant's asbestos-containing products and/or materials
11 should be used, handled, fabricated and/or maintained? If
12 so, for each such document please state as follows:

13 (a) The name, address, and job classification of
14 each person who prepared each such material;

15 (b) The name, address, and job classification of
16 each person who presently has possession of same;

17 (c) The date and manner in which said material
18 was distributed to purchasers of defendant's products and/or
19 materials;

20 (d) Identify any documents which reflect such;

21 (e) Describe the instructions for use, handling,
22 fabrication and/or maintenance given in each such document.

23 RESPONSE TO INTERROGATORY NO. 29:

24 This defendant ceased the manufacture, sale and
25 distribution of asbestos-containing products in 1958. This
26 defendant has not found any information in its records
27 sufficient to enable it to answer this interrogatory. Its
28

1 investigation into the subject matter referred to in this
2 interrogatory is continuing.

3 INTERROGATORY NO. 30:

4 After the initial placement of warning labels
5 regarding the hazards of exposure to asbestos on any of your
6 asbestos-containing products and/or materials, did this defen-
7 dant recall or make any attempt to recall those products
8 and/or materials which had been sold in containers without
9 such labels? If so, state when and under what specific cir-
10 cumstances such was done.

11 RESPONSE TO INTERROGATORY NO. 30:

12 Does not apply to this defendant. Refer to answer
13 to Interrogatory No. 28.

14 INTERROGATORY NO. 31:

15 To the extent this defendant ever placed warnings
16 on its asbestos-containing products and/or materials regarding
17 the hazards of exposure to asbestos dust, identify each person
18 who participated in the process of drafting each warning and
19 otherwise determining its shape, description, color and location
20 on packaging. If the warning first placed on this defendant's
21 products and/or materials was changed in any of these par-
22 ticulars, also identify each participant in each such change.

23 RESPONSE TO INTERROGATORY NO. 31:

24 Does not apply to this defendant. Refer to answer
25 to Interrogatory No. 28.

1 INTERROGATORY NO. 32:

2 Please state whether sales materials were prepared
3 by this defendant or its agents for purposes of marketing or
4 advertising this defendant's asbestos-containing products
5 and/or materials from 1930 to present. If so, please state
6 for each such sales material:

7 (a) The name and address of each person or entity
8 who prepared same.

9 (b) The name, address, and job title of each person
10 who presently has possession of same.

11 (c) The date same was prepared.

12 (d) The first date such material was used, distributed,
13 or otherwise disseminated.

14 (e) Briefly describe such material.

15 (f) The manner and media used to disseminate the
16 sales materials, including but not limited to all trade journals
17 and/or publications.

18 RESPONSE TO INTERROGATORY NO. 32:

19 Yes. Because the company has not made, sold or
20 distributed any asbestos-containing products since 1958,
21 more than 24 years ago, it has not been able to locate docu-
22 ments sufficient to answer all subparts of this interrogatory.

23 (a) Owens-Illinois does not know.

24 (b) Owens-Illinois does not know.

25 (c) Owens-Illinois does not know.

26 (d) Owens-Illinois does not know.

27 (e) Sales brochures.

28 (f) Owens-Illinois does not know.

1 INTERROGATORY NO. 33;

2 Identify all present or former executives, officers,
3 or other supervisory officials of defendant whose depositions
4 have been taken by plaintiffs, other than those herein, in
5 cases involving workers or their heirs who are suing this
6 defendant or who have sued this defendant for illnesses or
7 injuries allegedly caused, in whole or in part, by exposure
8 to asbestos dust allegedly created by defendant's asbestos-
9 containing products and/or materials. Also identify the
10 style of each case involved, court of filing, the name and
11 address of plaintiff's counsel who took each deposition, the
12 date of the deposition, number of pages of the deposition,
13 and whether defendant will make available said deposition(s)
14 without a motion to produce.

15 RESPONSE TO INTERROGATORY NO.33:

16 This defendant ceased the manufacture, sale and
17 distribution of asbestos-containing products in 1958. This
18 defendant is aware that the following present or former
19 employees have testified at trial or by deposition in asbestos-
20 related litigation, but not necessarily in litigation to
21 which this defendant was a party:

22	Edward C. Ames	10/8/79, 1/10/80, and 3/26/81
23	Richard L. Grimmie	7/10/79, 10/24/79 (trial), 24 10/29/79 (trial), and 10/15/81.
25	William Justice	7/11/79, 10/15/81, and 5/3/82.
26	John Pershing	7/26/79.
27	John Rhoads	7/11/79 and 10/15/81.
28		

1 June Welser 7/11/79.
2 Everett Shuman 4/26/79, 6/12/79, 7/15/80,
3 and 2/81.
4 Willis G. Hazard 2/11/81 and 3/27/81.
5 Richard R. Beck 4/1/81.
6 Samuel F. Schillaci 4/7/81, 7/31/81 (trial),
7 11/9/81 (trial), 11/17/81
(trial), 4/26/82, and 4/27/82.
8 George N. Bates, M.D. 4/6/81.
9 Thomas A. Meehan 8/3/81 (trial) and 11/9/81
(trial).

10 Effective April 30, 1958, this defendant sold its
11 asbestos-containing product manufacturing division to Owens-
12 Corning Fiberglas Corporation. At that time certain employees
13 who worked in the division, some of whom are mentioned above,
14 transferred to Owens-Corning Fiberglas. These individuals
15 have been deposed with regard to asbestos-related litigation
16 involving Owens-Corning Fiberglas Corporation.

17 Although plaintiffs have not requested that this
18 defendant produce the depositions listed above, the prefatory
19 remarks indicate an intent to do so. This defendant would
20 object to the production of such documents on the basis that
21 said documents are filed with various courts around the country,
22 they are therefore matters of public record, and therefore
23 plaintiffs have equal access to such documents.

24 INTERROGATORY NO. 34:

25 Has this defendant ever operated contract insulation
26 installation units and/or has any company in any way affiliated
27 with defendant ever been involved in the installation of
28

1 insulation? If so, for each corporation, corporate division
2 and/or company affiliated with defendant state:

3 (a) The applicable period of time during which
4 said entity was involved in insulation installation.

5 (b) In detail the relationship between the entity
6 and your corporation (including, but not limited to, the
7 details of any relationship of ownership or control);

8 (c) Each job site and/or company, refinery, shipyard,
9 power plant, and/or manufacturer with which each corporation,
10 corporate division and/or affiliated entity had a contract
11 and the inclusive dates of such contract.

12 RESPONSE TO INTERROGATORY NO. 34:

13 This defendant has not formed or maintained a group
14 or groups known as "contract units", such "contract units"
15 being a division or group within or maintained by the corpor-
16 ation which, inter alia, engaged in the actual installation
17 of insulation products containing asbestos at job sites.

18 INTERROGATORY NO. 35:

19 Has this defendant, at any time, been a member of
20 any "trade organization" or "association" composed of other
21 manufacturers, miners, distributors, importers, labellers,
22 suppliers and/or sellers of asbestos-containing products
23 and/or materials? If so, please state for each such organi-
24 zation or association.

25 (a) The name and address of each such association
26 or organization.

27 (b) The inclusive dates during which this defendant
28 was a member.

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1 (c) The names of any publication published by or
2 written by such association or organization.

3 (d) The name of any committees or sub-committees
4 of which this defendant was a member or on which this defendant
5 had a representative and the inclusive dates of such represen-
6 tation and the name of this defendant's representative(s).

7 (e) The names of each committee and sub-committee
8 of which this defendnat received minutes and the inclusive
9 date of such reception.

10 RESPONSE TO INTERROGATORY NO. 35:

11 This defendant has not been a member of any asbestos-
12 related trade organization or association.

13 INTERROGATORY NO. 36:

14 Has this defendant ever been a member of the Asbestos
15 Textile Institute ("A.T.I.")? If so, please state:

16 (a) The inclusive dates during which this defendant
17 was a member.

18 (b) The names of any publication published by or
19 written by such association or organization.

20 (c) The name of any committee or sub-committee of
21 which this defendant was a member or on which this defendant
22 had a representative and the inclusive dates of such repre-
23 sentation and the name of this defendant's representative(s).

24 (d) The names of each such committee and sub-
25 committee of which this defendant received minutes and the
26 inclusive dates of such reception.

1 RESPONSE TO INTERROGATORY NO. 36:

2 No.

3 INTERROGATORY NO. 37:

4 Has this defendant ever been a member of the National
5 Insulation Manufacturers Association ("N.I.M.A.")? If so,
6 please state:

7 (a) The inclusive dates during which this defendant
8 was a member.

9 (b) The names of any publication published by or
10 written by such association or organization.

11 (c) The name of any committee or sub-committee of
12 which this defendant was a member or on which this defendant
13 had a representative and the inclusive dates of such represen-
14 tation and the name of this defendant's representative.

15 (d) The names of each such committee and sub-
16 committee of which this defendant received minutes and the
17 inclusive dates of such reception.

18 RESPONSE TO INTERROGATORY NO. 37:

19 No.

20 INTERROGATORY NO. 38:

21 Has this defendant ever been a member of the Quebec
22 Asbestos Mining Association ("Q.A.M.A.")? If so, please
23 state:

24 (a) The inclusive dates during which this defendant
25 was a member.

26 (b) The names of any publication published by or
27 written by such association or organization.
28

1 (c) The name of any committee or sub-committee of
2 which this defendant was a member or on which this defendant
3 had a representative and the inclusive dates of such repre-
4 sentation.

5 (d) The names of each such committee and sub-
6 committee of which this defendant received minutes and the
7 inclusive dates of such reception.

8 RESPONSE TO INTERROGATORY NO. 38:

9 No.

10 INTERROGATORY NO. 39:

11 Has this defendant ever been a member of the
12 Industrial Health Foundation? If so, please state:

13 (a) The inclusive dates during which this defendant
14 was a member.

15 (b) The names of any publication published by or
16 written by such association or organization.

17 (c) The name of any committee or sub-committee of
18 which this defendant was a member or on which this defendant
19 had a representative and the inclusive dates of such repre-
20 sentation.

21 (d) The names of each such committee and sub-
22 committee of which this defendant received minutes and the
23 inclusive dates of such reception.

24 RESPONSE TO INTERROGATORY NO. 39:

25 This defendant objects to this interrogatory on
26 the grounds that it seeks information which is not relevant
27 to the subject matter of this litigation and is not reasonably
28

1 calculated to lead to the discovery of admissible evidence
2 except as it relates to the period of time within which this
3 defendant manufactured its asbestos-containing products.

4 Without waiving the above objection, this defendant
5 states that insofar as this interrogatory refers to associations
6 or organizations of which this defendant was a member during
7 the time when it manufactured asbestos-containing products,
8 it was a member of the Industrial Hygiene Foundation (which
9 changed its name to the Industrial Health Foundation in 1970)
10 for the years 1936 through 1975. This defendant has been
11 unable to find any information in its records which would
12 enable it to further answer this interrogatory, although its
13 investigation into the subject matter referred to in this
14 interrogatory is continuing.

15 INTERROGATORY NO. 40:

16 Please state:

17 (1) Whether any of the following methods has been
18 used to transport either raw asbestos or asbestos-containing
19 products and/or materials of this defendant to the San Francisco
20 Bay Area:

- 21 (a) ship
22 (b) train
23 (c) truck
24 (d) other, and if so, please specify what
25 method.

26 (2) The inclusive dates each such method was used
27 by this defendant.
28

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1 (3) The types of asbestos or asbestos-containing
2 products and/or materials transported by each such method.

3 RESPONSE TO INTERROGATORY NO. 40:

4 This defendant ceased the manufacture, sale and
5 distribution of asbestos-containing products in 1958. This
6 defendant has not found any information in its records suf-
7 ficient to enable it to answer this interrogatory. Its
8 investigation into the subject matter referred to in this
9 interrogatory is continuing.

10 INTERROGATORY NO. 41:

11 Identify all brochures, pamphlets, catalogs or
12 other descriptions or listing of asbestos-containing products
13 and/or materials which this defendant manufactured, sold,
14 distributed or supplied from the year 1930 to the present.
15 For each such document please state:

- 16 (a) the title of such document;
17 (b) the year it was printed;
18 (c) the years in which it was used;
19 (d) the purpose of such document;
20 (e) whether the documents, or copies of said
21 document, presently exist;
22 (f) if said documents or copies still exist, where
23 they are located;
24 (g) the name, job, title and current address of
25 the custodian of such documents;
26
27
28

(h) whether defendant would produce such documents for inspection and copying without a formal request for production of documents?

RESPONSE TO INTERROGATORY NO. 41:

(a - g) Owens-Illinois did not commercially manufacture and sell asbestos-containing products for the entire time period 1930 to the present as this question implies. It commercially made and sold such products from 1948 to approximately April, 1958 when it sold its entire asbestos-containing thermal insulation business to Owens-Corning Fiberglas Corporation. Owens-Illinois has not made or sold any asbestos-containing insulation products for over 24 years and therefore cannot respond to all subparts of this interrogatory as it does not have complete records going that far back in time. The Company does have copies of some old sales brochures. They are kept by the Legal Department, One SeaGate, Toledo, Ohio.

(h) No.

INTERROGATORY NO. 42:

State whether any raw asbestos or asbestos-containing products and/or material mined, manufactured, sold, processed, imported, supplied, distributed and/or labelled by this defendant was sold or provided to the General Service Administration and/or any other governmental agency during the period 1930 to the present date. If the answer was in the affirmative, please state for each such agency:

1 (a) The name and address of the agency to which
2 the raw asbestos or asbestos-containing products and/or materials
3 were sold and/or provided, and the inclusive dates of such
4 sale or provision;

5 (b) The grade and type of raw asbestos sold; and
6 the quantity sold or supplied per each calendar year;

7 (c) The trade, brand name, and/or generic name of
8 each asbestos-containing product(s) and/or material(s) sold
9 or supplied and the quantity sold or supplied each calendar
10 year;

11 (d) The means of packaging of each product set
12 forth above;

13 (e) The health warning, if any, which accompanied
14 each shipment of raw asbestos or asbestos-containing products
15 and/or materials. Please indicate the date when said warnings
16 were first made part of the shipments.

17 RESPONSE TO INTERROGATORY NO. 42:

18 This defendant objects to this interrogatory on
19 the basis that it seeks information which is not relevant to
20 the subject matter of this litigation and is not reasonably
21 calculated to lead to the discovery of admissible evidence,
22 except as it relates to sales within the San Francisco area.
23 Without waiving the above objection, to the extent this inter-
24 rogatory seeks information regarding sales to any governmental
25 agency in the San Francisco area, this defendant states that
26 it has records indicating sales to the U. S. Navy. Refer to
27 answer to Interrogatory No. 12.
28

1 INTERROGATORY NO. 43:

2 Between the years 1930 to present, did this defendant
3 purchase or otherwise acquire any asbestos-containing product
4 or product line from another company? If so, please state
5 for each such purchase:

6 1. Date of contract of sale;

7 2. Terms of purchase and sale agreement, or if
8 you will do so without a motion to produce, attach a copy of
9 said agreement(s) to your answers;

10 3. Trade, brand and/or generic name of each product
11 so acquired;

12 4. Name of company from whom you purchased each
13 such asbestos-containing product or material;

14 5. Location of any manufacturing facilities so
15 acquired, and the type of asbestos products or materials
16 manufactured therein.

17 RESPONSE TO INTERROGATORY NO. 43:

18 No.

19 DATED: July 21, 1982

20 MORGENSTEIN, LADD & JUBELIRER
21 MARVIN D. MORGENSTEIN
22 ELIOT S. JUBELIRER
23 LEE ANN HUNTINGTON

24 By Lee Ann Huntington
25 Lee Ann Huntington
26 Attorneys for Defendant
27 Owens-Illinois, Inc.
28

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 255 California Street, 8th Floor, San Francisco, CA 94111.

On July 21, , 1982, I served the within RESPONSES OF OWENS-
ILLINOIS, INC., TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

on the plaintiffs in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in a United States post office mail box at San Francisco, California, addressed as follows:

Steven Kazan, Esq.
Law Offices of Steven Kazan
171 - 12th Street, Suite 300
Oakland, CA 94607

George W. Kilbourne, Esq.
Law Offices of George W. Kilbourne
620 Contra Costa Boulevard
Pleasant Hill, CA 94523

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Executed on July 21, 1982 at San Francisco, California.

Sandy Villaflores
SANDY VILLAFLORES

1 MORGENSTEIN, LADD & JUBELIRER
2 MARVIN D. MORGENSTEIN
3 ELIOT S. JUBELIRER
4 LEE ANN HUNTINGTON
5 255 California Street, 8th Floor
6 San Francisco, CA 94111
7 Telephone: (415) 421-9320

8 Attorneys for Defendant
9 OWENS-ILLINOIS, INC.

RECEIVED JUL 22 1987

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA

12 IN RE: SHIPYARD AND) No. 537 868-7
13 APPLICATOR ASBESTOS CASES)
14 (KAZAN AND KILBOURNE)) RESPONSES OF OWENS-ILLINOIS,
15 CONSOLIDATED FOR DISCOVERY) INC., TO PLAINTIFFS' FIRST
16 SET OF INTERROGATORIES

17 PROPOUNDING PARTY: PLAINTIFFS

18 RESPONDING PARTY: DEFENDANT OWENS-ILLINOIS, INC.

19 SET NUMBER: ONE

20 PRELIMINARY STATEMENT

21 Some of the events which may be relevant to the
22 matters inquired about by Plaintiffs' Interrogatories appar-
23 ently occurred more than thirty-five years ago. In addition,
24 more than twenty-four years ago, effective April 30, 1958,
25 Owens-Illinois, Inc. disposed of the business involved in
26 this action by way of sale of that business to Owens-Corning
27 Fiberglas Corporation. Since that time, Owens-Illinois,
28 Inc. has not engaged in any such business. It does not now
and it has not since that sale manufactured, distributed or
sold any asbestos-containing products. As a result of the
foregoing factors, many of the individuals who might have

1 INTERROGATORY NO. 11:

2 Please state whether this defendant, between 1930
3 and the present, has ever engaged in the following activities
4 with regard to asbestos-containing product(s) and/or material(s),
5 and if so, please state the inclusive dates of each such
6 activity:

- 7 (a) manufacture
8 (b) supply
9 (c) importing
10 (d) processing
11 (e) distribution
12 (f) marketing
13 (g) sale
14 (h) mixing and/or compounding

15 RESPONSE TO INTERROGATORY NO. 11:

16 (c, d, h) No.

17 (a, b, e, f, g) Yes. However, this defendant has
18 not engaged in these activities for the entire period between
19 1930 and the present. This defendant began limited pilot
20 plant activities involving the manufacture of asbestos-containing
21 products in 1943 and continued such pilot plant activities
22 until 1948. This defendant began the manufacture, sale and
23 distribution of commercial quantities of Kaylo in 1948 and
24 continued such manufacture until April, 1958. In 1953, this
25 defendant entered into a sales agreement with Owens-Corning
26 Fiberglas Corporation under which it agreed to the sale of
27 asbestos-containing products to that corporation. Owens-
28 Illinois believes that it ceased the general marketing and

1 sales of its asbestos-containing thermal insulation products
2 at that time, disbanded its sales force, and that thereafter,
3 Owens-Corning Fiberglas Corporation was the primary marketer
4 of its product until the sale of the division to Owens-Corning
5 Fiberglas in 1958. This defendant has not been involved in
6 the asbestos-containing product business since that date.

7 INTERROGATORY NO. 12:

8 If the answer to either of the preceeding two questions
9 regarding the mining, supply, importing, processing, distribution,
10 labelling, manufacture, marketing and/or sale of asbestos-
11 containing products and/or materials by this defendant is
12 affirmative, please state the following as to such raw asbestos
13 fiber and/or as to each such asbestos-containing product
14 and/or material:

15 (a) The trade, brand name and/or generic name of
16 each and every such product and/or material mined, supplied,
17 distributed, processed; imported, labelled, manufactured,
18 and/or marketed in any form or quantity between 1930 and the
19 present time.

20 (b) The date(s) each such product and/or material
21 was first placed on the market, including the date(s) each
22 such product or material was first marketed:

23 (i) on an experimental basis;

24 (ii) on a test basis; or

25 (iii) for sale.

26 (c) The date(s) each such product and/or material
27 was withdrawn from the market.
28

1 INTERROGATORY NO. 43:

2 Between the years 1930 to present, did this defendant
3 purchase or otherwise acquire any asbestos-containing product
4 or product line from another company? If so, please state
5 for each such purchase:

6 1. Date of contract of sale;

7 2. Terms of purchase and sale agreement, or if
8 you will do so without a motion to produce, attach a copy of
9 said agreement(s) to your answers;

10 3. Trade, brand and/or generic name of each product
11 so acquired;

12 4. Name of company from whom you purchased each
13 such asbestos-containing product or material;

14 5. Location of any manufacturing facilities so
15 acquired, and the type of asbestos products or materials
16 manufactured therein.

17 RESPONSE TO INTERROGATORY NO. 43:

18 No.

19 DATED: July 21, 1982

20 MORGENSTEIN, LADD & JUBELIRER
21 MARVIN D. MORGENSTEIN
22 ELIOT S. JUBELIRER
23 LEE ANN HUNTINGTON

24 By Lee Ann Huntington
25 Lee Ann Huntington
26 Attorneys for Defendant
27 Owens-Illinois, Inc.
28