

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO



DONALD LEE ABNER, et al.,

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY, et al.,

Defendants.

CASE NO. CV96 01 0180
(ELLIOTT, J.)

RESPONSES OF DEFENDANT
FLEXITALLIC TO
PLAINTIFFS' MASTER SET OF INTERROGATORIES
PROPOUNDED TO
FLEXITALLIC

Defendant is hereby requested to answer under oath the interrogatories numbered 1 to 58, inclusive, as shown below, within twenty-eight (28) days of the time service is made upon the Defendant, in accordance with Ohio Civil Rule 33.

INSTRUCTIONS

1. Answer each interrogatory separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection must be stated in lieu of answer.
2. An evasive or incomplete answer is deemed to be a failure to answer under Ohio Civil Rule 37(A).

3. Each Defendant is under a continuing duty to seasonably supplement its response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert witness at trial and the subject matter on which he or she is expected to testify. Furthermore, each Defendant, pursuant to Rule 26(E) of the Ohio Rules, is under a similar duty to correct any incorrect response when the Defendant later learns that it is incorrect, including in such supplemental answer the date upon and manner in which such further or different information came to each Defendant's attention.

4. Unless otherwise specified, each of these interrogatories are meant to apply to the time period from 1920 until the present.

5. Should the Defendant assert a privilege with respect to any information, defendant is requested to provide the following as to each such document or item of information:

- (1) The type of document or information (e.g., letter, notebook, telephone conversation, etc.),
- (2) The date of the document or transaction involving the information;
- (3) Identification of the author and/or all participants with respect to the information;
- (4) Identification of the signatory or signatories of the document, if any;
- (5) Identification of the documents current custodian;

- (6) The present whereabouts of the document and/or the names of all persons with personal knowledge with respect to the information; and
- (7) A statement of the grounds on which the claim of privilege rests with respect to each such document or piece of information withheld.

6. If your answer states that the Defendant is undertaking an investigation of the subject matter of the interrogatory, state when the investigation began, what steps comprise the investigation and what documents are being reviewed as part of the investigation.

7. The following terms are defined as follows for the purpose of these interrogatories:

DEFINITIONS

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "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" further 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" further 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 the 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," "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, turbines, 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," and "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," and "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," and "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" and "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 the 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 terms "test" and "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.

GENERAL OBJECTIONS:

A. Flexitallic objects to any request that purports to impose upon Flexitallic any obligations not expressly set forth in the Ohio Rules of Civil Procedure.

B. Flexitallic objects to plaintiffs' interrogatories to the extent that they request information and identification of documents which are protected by any privilege, including but not limited to the attorney-client privilege, the joint defense privilege, and the work product doctrine, and Flexitallic and its counsel hereby assert such privileges with respect to such documents.

C. Flexitallic objects to each discovery request to the extent such request is so broad, vague, ambiguous, or uncertain that Flexitallic cannot determine the precise nature of the information sought and therefore is required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

D. Flexitallic objects to these discovery requests on the grounds that many of the requests are redundant or overlapping as to subject matter. The repeated requests serve no useful purpose and cause Flexitallic unnecessary burden and expense.

E. Flexitallic objects to plaintiffs' interrogatories on the grounds that plaintiffs have failed to identify any Flexitallic products to which the plaintiffs were allegedly exposed. Without any identification by plaintiffs of specific products, Flexitallic cannot adequately determine what requests are proper and relevant to this action. In addition, Flexitallic

objects that these requests are overbroad and irrelevant because the information sought is not in any way limited in time or to activities which transpired in Ohio, or to the exposure of plaintiffs to any Flexitallic products. The interrogatories have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant. Flexitallic states that these responses are accurate as of the date made. However, Flexitallic's investigation of information that may be responsive to these discovery requests is continuing and Flexitallic reserves the right to supplement its responses when its investigation is complete.

F. At the present time, Flexitallic has not conducted discovery or made a review of discovery conducted by other parties. Flexitallic reserves the right to supplement these responses upon completion of this review and of further discovery.

G. Flexitallic does not concede that any of its responses to plaintiffs' interrogatories are or will be admissible evidence at a trial of this action, and Flexitallic does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

H. The foregoing General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

CORPORATION NAME

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.

ANSWER: Thomas G. Warren, former president of Flexitallic, Inc. (1971-1988), Director of Flexitallic, Inc. (1988-1997), and a current director of Gasket Holdings, Inc.

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.

ANSWER: Flexitallic's responses to these discovery requests were chiefly prepared under the supervision of Thomas G. Warren with the assistance of counsel.

The preparation of these responses required extensive review of documents and consultation with numerous persons. Furthermore, much of the information provided in these responses has been collected over a number of years by many individuals with personal knowledge of the facts or upon a review of records maintained in the regular course of business. It is therefore impossible to identify each document referred to in connection with the preparation of these responses or each person who provided information used in responding to any particular discovery request. Flexitallic's corporate records are located in Deer Park, Texas. The custodian of these records is Thomas G. Warren. Defendant will make them available for review at a mutually convenient time.

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 the 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.

ANSWER: Flexitallic, Inc. was incorporated in Delaware in 1986. Flexitallic Gasket Co., Inc., a Connecticut corporation that was incorporated in 1963, was merged into Flexitallic, Inc. The word "Flexitallic" has been part of the company's name from the time of its establishment in 1912. Flexitallic, Inc. was sold to Dan-Loc Corporation on April 11, 1997. It is now known as Flexitallic L.P. Gasket Holdings, Inc. remains legally responsible for any alleged past torts concerning Flexitallic, Inc.'s asbestos-containing spiral wound gaskets.

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 in/corporation, 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.

ANSWER: See General Objections. Without waiver of these objections, see Flexitallic's Response to Interrogatory No. 2.

4. Please state whether or not the 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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds that Flexitallic acquired Anderson Gasket & Washer Company, Deer Park, Texas, on April 30, 1971 and Gasket Fab, Harbor City, California, on December 1, 1975. Flexitallic sold the Harbor City, California, facility in December 1987.

4.1 For each corporation, other than the answering defendant ("the entity"), 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.

ANSWER: See General Objections. Without waiver of these objections, see Flexitallic's Response to Interrogatory No. 4.

EVER SELL ASBESTOS

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, or Defendant's subsidiary);
- (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).
- (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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds as follows:

Flexitallic manufactures and sells spiral wound industrial gaskets and has done so since 1912. On or about April 1, 1992, Flexitallic discontinued the manufacture of asbestos-containing gaskets in the United States. Flexitallic's asbestos-containing gasket was primarily metal and contained an asbestos paper tape which was latex-impregnated so that the asbestos was in a fixed or encapsulated form. The tape was comprised of a mixture of Canadian chrysotile asbestos (90%), vegetable rubber latex binder (7.1%), waterproofing binder (2.8%) and Dupont Monasterial blue dye (0.1%). The only alteration made by Flexitallic in the paper tape was to cut the paper tape from the roll on which it was received from its manufacturer into strips for incorporation into the gaskets.

In the 1960s, Flexitallic began to manufacture and sell spiral wound gaskets containing asbestos-free filler in addition to its spiral wound gaskets containing the asbestos paper tape filler. The asbestos-free fillers used by Flexitallic consisted of either polytetrafluoroethylene (PTFE), flexible graphite (known as "Flexicarb"), a chlorite mineral composition (known as "Flexite") or a complex chlorite mineral composition with graphite and acrylic binder (known as "Flexite Super").

Most Flexitallic spiral wound gaskets are sold in standard cardboard packaging. Larger gaskets are sandwiched between cardboard sheets and banded with either plastic or steel. The name "Flexitallic" is imprinted on the outer ring of its spiral wound gaskets.

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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds: 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 and Illinois 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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds that it sold its spiral wound gaskets to two different companies which, for a period of time, used their own trade names rather than "Flexitallic." Flexitallic sold its spiral wound gaskets to Anchor Packing Company for use under its trade name, "Anchorallic," from 1967 to the late 1970s. Since the late 1970s Anchor Packing Company has continued to buy gaskets from Flexitallic but has discontinued the use of its own trade name in favor of the name "Flexitallic." Flexitallic sold its spiral wound gaskets to Melrath Supply & Gasket Company, Inc. for use under its trade name, "Mettallic," from 1951 to 1968. Since then, Melrath Supply & Gasket Company, Inc. has discontinued use of its own trade name in favor of the name "Flexitallic."

8.01 Has this defendant ever purchased asbestos containing products from any other defendant?

ANSWER: Prior to 1973, Flexitallic purchased the asbestos paper tape used in its gaskets from Philip Carey. Between 1973 and 1977, Flexitallic purchased the tape from both Philip Carey and GAF Corporation. Philip Carey ceased production after 1977, and GAF became the sole supplier to Flexitallic. In 1980, GAF sold the plant that produced the tape to Quin-T Corporation. Armstrong World Industries, Inc. also sold small quantities of asbestos paper tape to Flexitallic between March 1985 and November 1986.

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.

ANSWER: See Response to No. 8.01.

8.03 Has this defendant ever sold asbestos containing products to any other defendant?

ANSWER: See General Objections. Flexitallic further objects that this interrogatory is not in any way related to activities which transpired in Ohio or to the exposure of plaintiffs to any Flexitallic products. Without waiver of these objections Flexitallic responds that it has no record of sales prior to 1979.

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.

ANSWER: See Response No. 8.03.

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.

ANSWER: See General Objections and Flexitallic's Response to Interrogatory No. 5. Flexitallic further responds that a Flexitallic asbestos-containing spiral wound gasket, depending on the type of metal used and the presence of contaminating fluids, can generally withstand temperatures up to a range of 1100° to 1400° F.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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) Please state which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER: See General Objections. Flexitallic further responds that it has no record of sales prior to 1979.

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) Please identify all documents relating to the sales to each such company.

ANSWER: Not applicable.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that upon information and belief the following companies may have distributed Flexitallic gaskets in Ohio:

1. Collura Engineering Sales (Cleveland);
2. F.D. Wright (Cincinnati);
3. Ferguson Enterprises (Cincinnati);
4. Flexisupply Co. (Novelty and Cleveland);
5. Hose Specialties (Toledo); and
6. Sur Seal Gasket and Packet (Cincinnati).

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.

ANSWER: See General Objections and Flexitallic's Response to Interrogatory No. 8.1.

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.

ANSWER: See General Objections and Flexitallic's response to Interrogatory No. 8.3.

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.

ANSWER: See General Objections and Flexitallic's Response to Interrogatory No. 8.3.

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 ore removed in each contract.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: From 1912 to 1962, Flexitallic's manufacturing facility was located at 8th and Bailey Streets, Camden, New Jersey. From 1962 to 1982, the facility was located at 5 Linden Street, Camden, New Jersey. From 1981 to May 1988, the facility was located at 151 Heller Place, Bellmawr, New Jersey. From June 1988 to present, the facility has been located at 8440 Remington Avenue, Pennsauken, New Jersey. Flexitallic has also operated a manufacturing plant in Deer Park, Texas, from 1971 to present and in Harbor City, California, from 1975 to 1987.

Until 1960, the operations of Flexitallic were supervised by Henry and Elsie Bohmer. From 1960 to 1970, the operations were supervised by Joseph F. Bradway. From 1971 to 1988, the operations were supervised by Thomas G. Warren and since 1988, by Samuel F. Thomas.

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?

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 8.

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 same 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

INFORMATION ABOUT DESIGN/TESTING

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?

ANSWER: See General Objections and Flexitallic's Response to Interrogatory No. 5. Without waiver of these objections the Flexitallic asbestos-containing spiral wound gasket has remained substantially the same since 1912.

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.)

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that no preparation of a Flexitallic spiral wound gasket is required on the job. The gasket is removed from its packaging and inserted into the flange.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory 15.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 1.1.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: Not applicable.

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.

ANSWER: Not applicable.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that it has never, on its own or as a member of any organization, funded or conducted studies or researched the relationship, if any, between the inhalation of asbestos fibers to products and its epidemiologic or toxicologic health effects.

Flexitallic first became aware of the alleged connection between asbestos inhalation and certain diseases during the early 1970s through the media.

Since approximately 1973 various insurance carriers, federal agencies and others have in the course of their normal activities conducted numerous tests and investigations, including dust counts and or sampling surveys, at facilities of Flexitallic where its spiral wound industrial gaskets described above are manufactured and shipped. Flexitallic and its attorneys presently have in their possession copies of written reports of such studies conducted by:

- U.S. Department of Labor, Occupational Safety and Health Administration at its Camden, New Jersey, plant on January 14, 1975, March 15, 1977 and November 14-20, 1979; at its Bellmawr, New Jersey, plant on November 13, 1986 and February 11, 1987; and at its Pennsauken, New Jersey, plant on June 17, 1988.
- Fireman's Fund Insurance company at its Camden, New Jersey, plant on February 7, 1973 and July 23, 1974.
- Employer's Insurance of Wausau at its Bellmawr, New Jersey, plant on December 18, 1981; at its Camden, New Jersey, plant on June 14, 1979; and at its Deer Park, Texas, facility on May 4, 1978.
- Nuturn Corporation at its Pennsauken, New Jersey, plant on September 14 through 15, 1988.

Each written and oral report which Flexitallic has ever received from any such test has shown that, inasmuch as all asbestos fibers in all materials that were used by Flexitallic and in all products that were manufactured and shipped by Flexitallic were encapsulated in a latex binder and were not released to the extent that they would reach OSHA action levels, the level of asbestos fibers found in each such test was far below any and all recognized threshold limit values or other such standards for asbestos exposure.

Flexitallic has not maintained an office or department dealing with medical research or hired an employee to work solely with health-related issues. Flexitallic has not maintained a formal library for the purpose of maintaining medical and health-related literature. Flexitallic does receive engineering manuals and related materials.

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.

ANSWER: See General Objections. Without waiver of these objections, See Response to Interrogatory No. 21.

INFORMATION ABOUT SAFETY

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that on August 13 and 14, 1984, Rossnagel & Associates conducted tests on Flexitallic's asbestos-containing gaskets during disassembly and wire brushing. The tests were designed to demonstrate the absolute worst case scenario of possible exposure to asbestos contained in Flexitallic gaskets. All readings of airborne concentrations of asbestos taken during the tests were far below the then-existing permissible exposure level for asbestos set by OSHA and are below OSHA's current permissible exposure level. The fact that OSHA's permissible exposure level is established based on assumed exposure for 40 hours per week, further diminishes the remote possibility of a health threat posed by occasional and isolated instances of occupational exposure of certain tradesmen to de minimis amounts of asbestos from Flexitallic gaskets.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that it first became aware of the hazards of asbestos in the 1970s through the media.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 25.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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.

ANSWER: Not applicable.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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

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

If the answer is yes, state the following:

- (a) The name of the group or groups in which the individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years the individual(s) were members of the groups;

- (d) Whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory Nos. 21 and 24.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory Nos. 21 and 24.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory Nos. 21 and 24.

33.1 State whether this defendant at any time caused to be conducted on any job site, any air sampling, dust counts, tests or other activities to determine air quality or worker safety. 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.

ANSWER: See General Objections. Flexitallic objects to this interrogatory on the grounds that it assumes dust containing asbestos fibers would be created, emitted or generated by Flexitallic products. Flexitallic further objects on the grounds that to the extent this interrogatory seeks information regarding potential health risks to individuals who worked at Flexitallic plants where asbestos-containing products were manufactured, this interrogatory is overbroad and not reasonably calculated to lead to the discovery of admissible evidence in that exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action.

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 librarians 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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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")?

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 25.

36.1 Did you 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

36.2 Did you 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that it has been a member of the following organizations:

- American Society of Testing Materials
- American National Standards Institute
- American Society of Mechanical Engineering

Flexitallic has not been a member of any organizations that set standards, regulations or conducted research into use of asbestos, asbestos products or asbestos fiber. Flexitallic does participate in setting standards and regulations regarding spiral wound gaskets through the following organizations:

- U.S. Navy
- American Petroleum Institute
- Fluid Sealing Association

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which the 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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

40. Please state whether, prior to 1975, the 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

WARNINGS/SALES PROMOTION

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that on or about April 1, 1992 Flexitallic discontinued production of its asbestos-containing gaskets in the United States. However, Flexitallic gaskets were specifically exempted from warning requirements under OSHA regulations until late 1986 and would arguably still be exempted from such warning requirements. Nevertheless, prior to 1986, Flexitallic did, when requested by its customers, put the OSHA-recommended warnings on its products and, from January 1986 to April 1992, Flexitallic put the OSHA-recommended warnings on all of its asbestos-containing products. The language of the warning most recently used by Flexitallic read as follows: "DANGER. CONTAINS ASBESTOS FIBER. AVOID CREATING DUST. CANCER AND LUNG DISEASE HAZARD."

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.

ANSWER: See General Objections. Without waiver of these of objections, Flexitallic responds that it has occasionally advertised in national trade journals, including Hydrocarbon Processing, and in reference books, including The Thomas Register.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 41.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 1.1.

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 21.

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 1, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: Not applicable.

KNOWLEDGE OF PREVIOUS INJURES

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 1.1.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: 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.

ANSWER: See General Objections. Flexitallic objects to this interrogatory on the grounds that it assumes dust containing asbestos fibers would be created, emitted or generated by Flexitallic products. Flexitallic further objects on the grounds that to the extent this interrogatory seeks information regarding potential health risks to individuals who worked at Flexitallic plants where asbestos-containing products were manufactured, this interrogatory is overbroad and not reasonably calculated to lead to the discovery of admissible evidence in that exposure under such conditions would differ in quality, type, duration, and degree from any exposure at issue in this action.

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.

ANSWER: See General Objections. Without waiving these objections, see Flexitallic's Response to Interrogatory No. 21.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that the first products liability lawsuit against Flexitallic in the United States in which a plaintiff's injury was alleged to have been caused by exposure to a Flexitallic product was commenced in January 1976. Since then thousands of actions have been commenced against Flexitallic and numerous other defendants, most of which contain form allegations of liability and injury. Flexitallic therefore objects to providing a calendar, in the detail requested, of actions commenced against it upon the grounds that to do so would be unduly burdensome and oppressive, irrelevant to any issue in these actions and not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of the foregoing objections, Flexitallic responds to this interrogatory as follows: Complaints in actions against Flexitallic commenced in Ohio and alleging injuries due to exposure to asbestos are maintained and may be reviewed at a mutually convenient time at the offices of Flexitallic's counsel of record in those actions.

48.1 Describe the method by which you have maintained records concerning the manufacturer, 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 manufacturer, 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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 1.1. The custodian of the records is Thomas G. Warren.

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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that it has no record of sales prior to 1979.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the 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?

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to the 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?

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

PLAINTIFF/DECEDENT

49. Has Defendant obtained statement from any witnesses including the 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that discovery is ongoing. Flexitallic will supplement this answer at the completion of all discovery.

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

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that discovery is ongoing. Flexitallic will supplement this answer at the completion of all discovery.

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 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that discovery is ongoing. Flexitallic will supplement this answer at the completion of all discovery.

RESPIRATORS

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.

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory Nos. 21 and 24.

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

- (a) Their identity, 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, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (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.

ANSWER: Defendant Flexitallic will provide the above-requested information pursuant to the court-ordered schedule for the identification and production of experts and expert-related materials.

54. Please state the name and last know 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.

ANSWER: Defendant Flexitallic will provide the above-requested information pursuant to the court-ordered schedule for the identification and production of experts and expert-related materials.

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

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: Yes.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

- (a) the facts upon which the answering 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.

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that discovery is ongoing. Flexitallic will supplement this answer at the completion of all discovery.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the 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.

ANSWER: See General Objections. Without waiver of these objections, Flexitallic responds that in June 1985, Flexitallic subscribed to the Asbestos Claims Facility (the "ACF"), also known as the Wellington Group. The ACF discontinued operations on October 3, 1988. It was created pursuant to an agreement between and among entities at present or pursuant to an agreement between and among entities at present or formerly engaged in the mining, manufacturing, production, processing, fabrication, distribution, installation, sale or use of asbestos or asbestos-containing products and the insurers of those entities to provide for the administration, defense, payment and disposition of asbestos-related claims. The main purposes of this multiparty agreement was to resolve and discontinue the various disputes concerning insurance coverage for asbestos-related claims, simplify the procedures for handling claims, reduce the costs of such procedures, apply insurance arrangements in a consistent manner and take other steps reasonable and practical to ensure the expenditure of funds for the reasonable payment of meritorious claims at reasonable processing costs. Although the ACF has discontinued operations, and Flexitallic has now subscribed to the Center for Claims Resolution, most aspects of the relationships between the producer and insurer signatories to the ACF Agreement will continue to be governed by that agreement.

56.1 Have you 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.

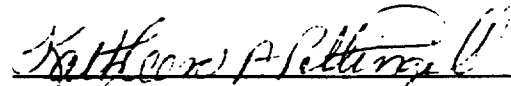
ANSWER: See General Objections. Without waiver of these objections Flexitallic responds: No.

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

ANSWER: See General Objections. Without waiver of these objections Flexitallic responds that discovery is ongoing. Flexitallic will supplement their answer at the completion of all discovery.

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

ANSWER: See General Objections. Without waiver of these objections see Flexitallic's Response to Interrogatory No. 5.



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Attorneys for Defendant

Flexitallic

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CERTIFICATE OF SERVICE

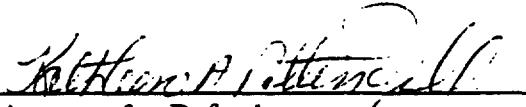
I hereby certify that a true and correct copy of the foregoing Responses of Defendant Flexitallic To Plaintiffs' Master Set of Interrogatories Propounded To Defendant Flexitallic was served upon the following by regular U.S. mail, postage prepaid, and, in addition, notice of the filing of the foregoing was sent by regular U.S. mail, postage prepaid, this 16th day of March, 1998, to all Counsel of Record/Defendant Corporations whose addresses are known to me.

Steven D. Wolens, Esq.
Baron & Budd
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Attorney for Plaintiffs

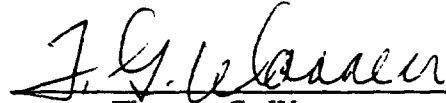
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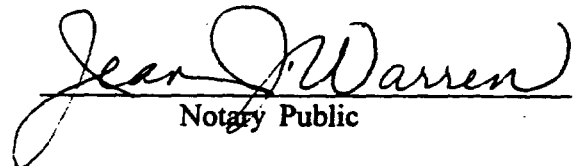

Attorney for Defendant

I, THOMAS G. WARREN, make oath and say as follows:

I am a Director of Gasket Holdings, Inc. I have read the foregoing Answers of Defendant Flexitallic, Inc. to Plaintiffs' Master Set of Interrogatories and said Answers are true and correct to the best of my personal knowledge, information and belief.


Thomas G. Warren

On this 13th day of March, 1998, THOMAS G. WARREN appeared before me, swore to and executed the foregoing responses.


Notary Public

My commission expires:

Notarial Seal
Jean J. Warren, Notary Public
Marple Twp., Delaware County
My Commission Expires Nov. 14, 1998