

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

BEVERLY KATHLEEN HORSCH,
INDIVIDUALLY, AND AS PERSONAL
REPRESENTATIVE OF THE HEIRS AND
ESTATE OF PATRICK HENRY
HORSCH, SR., DECEASED,

Plaintiff,

-vs-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

CASE NO. 409994

(JUDGE HARRY A. HANNA)

DEFENDANT MAREMONT CORPORATION'S RESPONSES TO
PLAINTIFF'S MASTER SET OF INTERROGATORIES
PROPOUNDED TO MAREMONT CORPORATION

Defendant Maremont Corporation ("Maremont") hereby responds to Plaintiff's Master Set of Interrogatories ("Discovery requests") without conceding, in any fashion, that any of the discovery requests request information that is either relevant or admissible as evidence in this action. Furthermore, Maremont has not completed its investigation of the facts relating to this case and has not completed its preparation for trial. As such, Maremont's responses to these discovery requests are given without prejudice to Maremont's right to produce evidence of any and all subsequently discovered facts and/or documents at the time of trial or at any other time.

PRELIMINARY STATEMENT

Maremont, One Noblitt Plaza, Columbus, Indiana 47201, incorporated in the State of Delaware, is primarily engaged in the manufacture and distribution of automotive exhaust systems, shock absorbers, MacPherson struts and related hardware and parts.

On or about December 15, 1953, Maremont purchased the assets of a company with a manufacturing facility located in Paulding, Ohio, known as the Grizzly Manufacturing Company ("Grizzly"). Grizzly manufactured friction products, including brake linings. Maremont sold this division on or about June 30, 1977, to Nuturn Corporation.

Soon after the purchase of Grizzly by Nuturn, Nuturn closed the Paulding facility and transferred the manufacturing operation to a facility in Smithville, Tennessee. At this time, Maremont does not have in its employ any person or persons who previously worked at the Paulding facility. Furthermore, it appears that very few Maremont employees continued employment with Nuturn.

Very little documentation exists within Maremont concerning the Paulding, Ohio operation. Any documentation pertaining to the site that was not discarded by Nuturn upon its move to Smithville would presumably be under the custody and control of Nuturn Corporation, now known as Ferodo, a subsidiary of Federal Mogul. *BKR VP?*

GENERAL OBJECTIONS

1. Maremont objects to plaintiff's discovery requests on the grounds that they are overbroad, vague, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's discovery requests have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual

defendant. Without waiving this objection and subject to the objections that follow, Maremont is providing information in response to plaintiff's discovery requests.

2. Maremont objects to plaintiff's discovery requests on the grounds that they improperly attempt to shift the burden of establishing product identification and causation from plaintiff to Maremont.

3. Maremont objects to plaintiff's discovery requests to the extent they seek information relating to sales of asbestos-containing products by Maremont to any entity or entities other than entities specifically identified by plaintiff as having been in the chain of distribution of an asbestos-containing product from Maremont to plaintiff or plaintiff's employers.

4. Maremont objects to plaintiff's discovery requests to the extent they seek information protected from discovery by the attorney-client privilege or the work product doctrine.

5. Maremont objects to plaintiff's discovery requests to the extent they seek disclosure of information generated by persons other than Maremont that has come into the possession of Maremont's counsel during the course of discovery and trial preparation in asbestos-related litigation.

6. Maremont objects to plaintiff's discovery requests to the extent they seek information relating to products of other companies.

7. Maremont objects to plaintiff's discovery requests to the extent they seek information subsequent to Maremont ceasing production of any asbestos-containing product.

8. Maremont objects to plaintiff's discovery requests to the extent they seek information that is not under Maremont's custody or control or which is within the public domain or otherwise equally available to plaintiff as to Maremont.

9. Many of the events about which plaintiff's discovery requests inquire occurred forty or more years ago. Accordingly, each response that follows is qualified by the fact that through the passage of time, information and documents that once existed may no longer be available.

10. Maremont does not concede that any of its responses to plaintiff's discovery requests are or will be admissible evidence at a trial of this action, and Maremont does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial.

11. To the extent applicable, Maremont incorporates by reference each of its objections in each response that follows and reserves the right to amend or supplement its responses to plaintiff's discovery requests to reflect information which may become available to it up until the time of trial.

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. 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, Defendant, pursuant to Rule 26(E) of the Ohio Rules, is under a similar duty to correct any incorrect response when 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 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 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:

- (a) The type of document or information (e.g., letter, notebook, telephone conversation, etc.),
- (b) The date of the document or transaction involving the information;
- (c) Identification of the author and/or all participants with respect to the information;
- (d) Identification of the signatory or signatories of the document, if any;
- (e) Identification of the document's current custodian;
- (f) The present whereabouts of the document and/or the names of all persons with personal knowledge with respect to the information; and
- (g) 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 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, the following terms mean:

1. The words "Defendant," "You," "Your," or "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" 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" 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 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," or "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," or "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," or "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," or "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" or "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 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 words "test" or "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.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. Maremont objects to the instructions and definitions supplied by plaintiff with regard to these discovery requests on the grounds that they are overly broad, vague, and often inconsistent with the normal usage and meaning of such words. These instructions and definitions constitute an unreasonable expansion of the requests themselves. Maremont has therefore responded to the discovery requests in the manner consistent with a normal understanding of the language used in the response and to the extent necessary to fairly and fully respond to the discovery requests.

2. Maremont objects to plaintiff's definitions on the grounds that the terms "asbestos-containing products," "product containing asbestos fibers," "asbestos products" and "asbestos materials" are so broad, vague, ambiguous, uncertain, and calls for speculation, that Maremont cannot determine the precise nature of the information sought, and therefore cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response. *objec to discovery*

3. Maremont objects to plaintiff's instructions and definitions to the extent those instructions and definitions request Maremont to make any inquiry beyond that which is required by the Ohio Rules of Procedure or to the extent they seek to include documents not within Maremont's custody or control.

INTERROGATORIES

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:

See general objections. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont states that much of the information sought by these interrogatories has been accumulated over time but not for purposes of responding to these interrogatories. It is not possible to now identify each person who, at some time, may have provided information that is now being used to answer these interrogatories. No single employee, officer, or agent of the company has direct knowledge of the documents and information necessary to supply each and every response. The person signing these interrogatories does so to satisfy whatever requirements may exist under the applicable Rules of Civil Procedure. The person does not, however, have direct knowledge regarding any specific answer, but is informed that the review of the documents and discussions referred to above support the answers based upon the information available as to the date of signature.

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:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to Interrogatory No. 1 and to its responses to plaintiff's requests for documents.

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 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:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the general and specific objections, and without waiving same, Maremont responds: yes; Maremont Corporation was incorporated in Delaware in 1979; Its primary mailing address is One Noblitt Plaza, Columbus, Indiana 47201; Maremont has insufficient knowledge or belief to respond further to this interrogatory; CT Corporation.

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 incorporation, 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the general and specific objections, and without waiving same, Maremont refers plaintiff to the Preliminary Statement preceding these responses and to its responses to plaintiff's requests for documents.

4. Please state whether or not 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 response to Interrogatory No. 3.

4.1 For each corporation, other than the answering Defendant, 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont designated an officer to sit on the Board of Directors of Nuturn from 1977 to 1982. One or more persons may have had such role during such time.

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, Defendant's subsidiary or some other entity related to Defendant);
- (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, chrysotile).
- (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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont manufactured and sold the following asbestos containing products: brake linings, disc pads, clutch facings and mufflers. The products were primarily intended to be used as replacement parts for cars and trucks. Certain of the muffler products were intended to be used as original equipment on automobiles. Maremont and Maremont's former subsidiary, Grizzly, used trade names such as Grizzly, Ultra, Leland, Hyper, All-in-One, Over-the-Counter, Saftigrip and DD Silvertip, X-T Woven, Syncro, SS Metallic, Tru-Gard, Saftibond, Brake-In-A-Box, The Stop Box, Cherry Bomb, and Maremont. The generic names of the described products are self-explanatory.

Maremont friction products were sold to rebuilders. Maremont also sold passenger car brake products beginning in the late 1960s to Sears Roebuck & Company ("Sears"), who rebranded the products and sold them under the Sears brand name. Maremont ceased manufacturing, selling and distributing friction products on June 30, 1977, although it continued to distribute Nuturn-manufactured passenger car brake products to Sears after that date. Based upon available information, Nuturn-manufactured brake products sold to Sears no longer contained asbestos as of 1985.

*SEARS
was
rebuilder*

With regard to brake products, based upon available information, only chrysotile asbestos was used and the percentage of asbestos in at least a portion of such products varied between approximately 32% and approximately 65%. Based upon available information, components of at least a portion of such products were:

Asbestos, 5R	Linseed Oil
Asbestos, 6D	Mineral Spirits
Asbestos, 7D	Oxide, Brown
Asbestos, 7M	Oxide, Red
Asbestos, 8T	Resin, Bakelite 5095
Barium ferrite	Resin, Borden 774-113
Barytes, Bleached	Resin Monsanto 6823
Barytes, Unbleached	Resin, Schenectady 868
Carbon, Black	Resin, Varcum 6019A
Cashew Particles	Rubber Dust
Cast Iron Dust	Seacoal
Emergy Flour	Silica
Hexamethylenetetramine	Sulfur
Lime	Talc

Send info to Cheryl

With regard to the muffler products, for certain of such products an encapsulated asbestos-containing paper, which was not manufactured by Maremont, was used between the inner shell and outer wrap. The type of asbestos used is not known. Based upon available information, the percentage of asbestos in the paper was approximately 87-88%. Maremont's muffler products no longer utilized the asbestos-containing paper as of the late 1970s, when the original equipment manufacturers no longer specified its use.

Boxes containing friction products were either white or brown cardboard boxes. The boxes would either have the name Grizzly on the outside of the box or no name or the name of the customer, depending on the arrangement with the customer. It is believed that the friction products provided to Sears, prior to 1973, was in a plain white carton with a label. From 1973 to 1976 there was a running change to the Over-The-Counter carton with a man working on a car. All-In-One products were plain white with a label and a caution. From 1976 to 1977 there was a change to Over-The-Counter products with a stop sign and to the All-In-One products to a stop light on the carton and on brochures. The colors red and black were also contained on the product to connote the stop light. Boxes containing muffler products were either white or brown cardboard boxes and would either have the name Maremont on the outside of the box or no name or the name of the customer, depending on the arrangement with the customer.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

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 response to Interrogatory No. 5.

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, West Virginia, Pennsylvania and Kentucky 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds that from the late 1960s until 1977, passenger car brake products were sold to Sears Roebuck & Company ("Sears"), who rebranded the products and sold them under the Sears brand name. Maremont further refers plaintiff to its response to Interrogatory No. 5 and to plaintiff's requests for documents and states it has insufficient knowledge or belief to respond further to this interrogatory.

8.01 Has Defendant ever purchased asbestos-containing products from any other Defendant?

ANSWER:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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 Interrogatory No. 8.01.

8.03 Has Defendant ever sold asbestos-containing products to any other Defendant?

ANSWER:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

*Did U not
sell 10 years*

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 to Interrogatory 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its response to Interrogatory No. 5. With respect to passenger car brake products manufactured by Nuturn and distributed by Maremont to Sears, based upon available information, non-asbestos-containing products were so distributed from the early 1980s until 1989 or 1990, when Maremont ceased its distribution role. With respect to muffler products, Maremont manufactured and sold non-asbestos-containing products at all time, even today. The asbestos-containing paper was used from the late 1950s to the late 1970s and only in those mufflers where the original equipment manufacturers specified its inclusion.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: Maremont marketed and distributed primarily products of its own manufacture. However, for low-volume items, Maremont occasionally bought disc pads from other brake lining manufacturers and other products and relabeled them. The major source of supply of disc pads was Lear Siegler, Inc. and Fras-le. Maremont sold these products under its own trade names. Maremont refers plaintiff to its response to Interrogatory No. 5. Maremont states that it has insufficient knowledge or belief to respond further to this interrogatory.

*Other brake lining
MFG -
Lear Siegler
Fras-le
Own trade
names*

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) 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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) Identify all documents relating to the sales to each such company.

ANSWER:

See response to Interrogatory No. 8.1.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its responses to plaintiff's requests for documents and states it has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, based upon available information, Maremont refers plaintiff to its responses to Interrogatory No. 8.1, 8.2, and 8.3 and states it has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

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 or removed in each contract.

ANSWER:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: Maremont manufactured friction products at a plant in Paulding, Ohio and

OK

assembled brake products at a facility in Nashville, Tennessee. Maremont manufactured mufflers in Harvey, Illinois, Loudon, Tennessee, and Ripley, Tennessee. Maremont further refers plaintiff to its response to Interrogatory No. 5.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its response to Interrogatory No. 8. Maremont refers plaintiff to its responses to plaintiff's requests for documents and states it has insufficient knowledge or belief to respond further to this interrogatory.

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 name 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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. Maremont objects to this interrogatory on the grounds that it is vague and ambiguous, and overbroad and unduly burdensome. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont believes the following people were involved in the design of brake products from 1970-77: Keith Barhhardt, Bernard R. Flint, Gerald Fogel, Gary Fogel, Harold Fuerst, Frank C. Skelton, Frank B. Strobl, Melvin L. Surbrook, John H. Woodring and Steven F. Wyss. Maremont believes the following people were involved in the design of muffler products from 1965 to 1980: Dwight Hayne, Robert Steinmetz, Robert T. McBride, Wayne Scheidt and Wayne Albertsen. Maremont has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont

responds as follows: none of Maremont's products were intended to be cut, shaped, scribed or otherwise modified prior to installation, except for oversized drum brake lining sold to Sears from 1969 to 1976 for in-store installation, where it was intended that the mechanic would custom grind the lining.

*mechanic @
Sears -
Crestmont
Chicago*

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. Maremont also objects to this interrogatory on the grounds that it is vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: all of Maremont's products (except the oversized lining described in response to Interrogatory No. 15) could be applied without creating dust.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary

Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its responses to its requests for documents. *yes or no.*

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory. *no knowledge*

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

TRIP - yes in mo.

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:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its responses to plaintiff's requests for documents.

Refer to RFR - no info in RFR. 4/20/01

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:

See response to Interrogatory No. 18.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: yes. Maremont was aware of the potential health hazard associated with prolonged exposure to raw asbestos fiber in the 1950s. Maremont at no time believed that the encapsulated asbestos in its products presented any increased health risk to end-users and at no time during Maremont's ownership of the Paulding or Nashville facilities did an employee make a claim for an asbestos-related illness. Maremont complied with OSHA's labeling, signage, medical and other requirements for asbestos. Maremont further refers plaintiff to its responses to plaintiff's requests for documents.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its response to Interrogatory No. 25. Maremont cannot specify the precise source of information it obtained from 1953 to 1977, but states generally that it received asbestos-related health and safety information from the general news media and from industry, trade and governmental publications.

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. Maremont also objects to this interrogatory on the grounds that it is vague and ambiguous, overbroad and unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont answers as follows: based upon available information, a physician (name unknown) was retained at the Paulding, Ohio facility for the purposes of general examinations and first-aid for two days per week as of 1969. Other physicians, the names of which are also not known by Maremont, visited the Paulding, Ohio and Nashville, Tennessee facilities on or after 1969 to take x-rays and conduct other medical tests of employees. Maremont also employed a company nurse, Kate Gary, at the Paulding facility.

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 response to Interrogatory No. 27.

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:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: based upon available information, no.

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

American Ceramics Society
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
American Society of Mechanical Engineers

If the answer is yes, state the following:

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

- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether 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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, based upon available information, Maremont was a member of the Asbestos Information Association ("AIA") and the Friction Materials Standards Institute ("FMSI"). Maremont was a member of FMSI from 1954 to 1977 and of AIA from approximately 1975 to 1977. Maremont has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not aware of any such tests it conducted with respect to end users of its products.

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 response to Interrogatory No. 31.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

33.1 State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. 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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, based upon available information, beginning in the 1950's air quality tests were conducted at the Paulding, Ohio manufacturing facility. Such tests continued at Paulding and Nashville facilities when Maremont owned them until 1977, and were conducted by insurance carriers, governmental agencies and Maremont employees, including without limitation Kate Gary.

*Answered
Subpart*

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 librarian(s) 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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, based upon available information, Maremont responds: no.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: based upon available information, Maremont was not aware of the Lanza Report.

36.1 Did Defendant 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

36.2 Did Defendant 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed of 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 response to Interrogatory No. 30.2.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its responses to plaintiff's requests for documents.

39. Please identify by name the technical and trade association periodicals to which 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not aware of any such articles withheld from printing and has insufficient knowledge or belief to respond further to this interrogatory.

40. Please state whether, prior to 1975, 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont refers plaintiff to its responses to plaintiff's requests for documents and states it has insufficient knowledge or belief to further respond to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general objections, and without waiving same, Maremont responds as follows: based upon available information, the appropriate prescribed OSHA warning accompanied brake products beginning in or about 1972 and in 1973 for products sold to Sears. The exact wording of each warning read:

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos May Cause Serious Bodily Harm

Based upon available information, such warning appeared on the box containing the product or inside the box. Maremont has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont did engage in advertising programs to promote its products; Maremont believes that it advertised at some time in at least the following magazines: "Brake & Front End," "Automotive Rebuilder," and "Automotive Chain Store." Maremont refers plaintiff to its responses to plaintiff's requests for documents and states it has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds it is vague and ambiguous, overbroad and unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: Maremont prepared a report regarding the asbestos exposure in brake shoe grinding at the request of Sears. Maremont has insufficient knowledge or belief to respond further to this interrogatory and refers plaintiff to Maremont's responses to plaintiff's document requests.

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 response to Interrogatory No. 9.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Maremont further objects to responding to this interrogatory on the grounds that it calls for a technical and/or medical conclusion or opinion which Maremont is not qualified to render. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery.

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

ANSWER:

See response to Interrogatory No. 8.1.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: Maremont's friction products business was sold before an asbestos-free product was placed on the market. Maremont stopped using asbestos in its muffler products in the late 1970's because the automobile manufacturers stopped specifying its use in such products. Maremont further refers plaintiff to its responses to plaintiff's requests for documents.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has insufficient knowledge or belief to respond to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: The Paulding facility was equipped with dust collection systems. Further, after the OSHA regulations became effective, Maremont complied with the signage, warning and medical examination regulations. Also, in further compliance with the OSHA regulations, there were safety precautions, procedures, informational meetings and bulletin board postings instituted at its Paulding and Nashville facilities for its employees. The following Maremont employees were plant managers and persons responsible for safety, dust monitoring and employee health: Wayne Knight, Carl Liggett, Cindy Hayes, among others. Maremont believes that the use of respirators was made mandatory in the Paulding, Ohio facility after OSHA inspections in 1975.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds as follows: Maremont did not manufacture, sell or distribute "asbestos-containing or industrial insulation products." Maremont further refers plaintiff to its responses to Interrogatory No. 25 and 41.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, based upon available information, Maremont responds: no.

48.1 Describe the method by which you have maintained records concerning the manufacture, 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 manufacture, 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont does not have a "custodian" of its records relating to its friction products business. Documents responsive to this request are in the possession of Maremont's counsel. Maremont has insufficient knowledge or belief to respond further to this interrogatory.

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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, and without waiving same, Maremont refers plaintiff to the Preliminary Statement preceding these responses. Maremont has insufficient knowledge or belief to respond further to this interrogatory.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to 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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not aware of any such document index.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to 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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont is not aware of any such document index.

49. Has Defendant obtained statements from any witnesses including 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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: no.

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

ANSWER:

See general objections. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and calls for a legal conclusion and/or an expert opinion that Maremont is not qualified to render. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: contentions can only be formulated when discovery is completed. Without waiver of these objections, Maremont responds: contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery. Maremont further refers plaintiff to its response to Interrogatory No. 8.1.

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 to 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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and calls for a legal conclusion and/or an expert opinion that Maremont is not qualified to render. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: contentions can only be formulated when discovery is completed. Without waiver of these objections, Maremont responds: contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery. Maremont further refers plaintiff to its response to Interrogatory No. 8.1.

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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and calls for a legal conclusion and/or an expert opinion that Maremont is not qualified to render. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: contentions can only be formulated when discovery is completed. Without waiver of these objections, Maremont responds: contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery.

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

- (a) Their identity and 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:

See general objections. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by applicable privileges and immunities. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has not determined yet what expert witnesses it may call at trial. Maremont will supplement this response at such time, or in accordance with the Court's scheduling order or agreement between the parties.

54. Please state the name and last known 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:

See response to Interrogatory No. 53.

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. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by the applicable privileges and immunities, and on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and calls for a legal conclusion. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds: contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery.

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) the facts upon which 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. Maremont also objects to this request on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont responds that its defenses speak for themselves. Moreover, discovery is continuing and Maremont reserves the right to supplement its response if additional information becomes known. Non-privileged documents, if any, responsive in whole or in part to this request, may be contained in materials that will be made available to plaintiff at a time and place to be agreed upon between the parties.

56. Does Defendant have policies of insurance that might cover the claims that have been made by 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, and without waiving same, Maremont responds: yes.

56.1 Has Defendant 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. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

ANSWER:

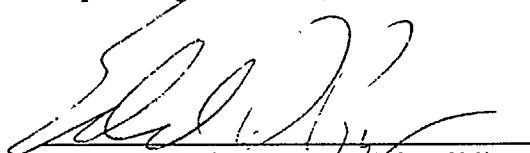
See general objections. Maremont also objects to this interrogatory to the extent it seeks disclosure of information protected by applicable privileges and immunities. Subject to the foregoing Preliminary Statement and to the general and specific objections, and without waiving same, Maremont has not determined who has knowledge of relevant facts regarding claims and defenses of this lawsuit. Maremont will supplement this response at such time, or in accordance with the Court's scheduling order or agreement between the parties.

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

ANSWER:

See general objections. Maremont also objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, vague and ambiguous, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the general and specific objections, and without waiving same, Maremont refers plaintiff to the Preliminary Statement preceding these responses and to its response to Interrogatory No. 5.

Respectfully submitted,



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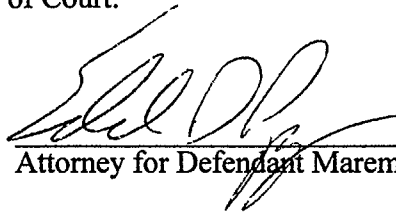
(216) 621-0200

Counsel for Defendant

Maremont Corporation

CERTIFICATE OF SERVICE

A copy of the foregoing MAREMONT CORPORATION'S RESPONSES TO PLAINTIFFS' MASTER SET OF INTERROGATORIES was served by regular U.S. Mail, postage prepaid, upon Ladd Gibke, Esq., c/o Kamela A. Wilkinson, Esq., Baron & Budd, 3102 Oak Lawn Ave., Suite 1100, Dallas, TX 75519-4281. In addition, a Verification of Service was electronically filed on the CLAD system on April 12, 2002, and deemed served on all parties pursuant to Cuyahoga County Rules of Court.



Attorney for Defendant Maremont Corporation