PLAINTIFF'S EXHIBIT

CGI-5

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CHESTER WOJCIK and MARY WOJCIK,	:	
	:	CASE NO. 468661
Plaintiffs,	:	
	:	(JUDGE HARRY A. HANNA)
-vs-	:	
	:	
A-BEST PRODUCTS COMPANY, et al.,	:	
	:	
Defendants.	:	

RESPONSES OF DEFENDANT, IMPROPERLY DENOMINATED AS CINCINNATI GRINDERS, INC. INDIVIDUALLY AND AS SUBSIDIARY OF MILACRON, INC., TO PLAINTIFFS' MASTER SET OF INTERROGATORIES PROPOUNDED TO CINCINNATI GRINDERS, INC. INDIVIDUALLY AND AS SUBSIDIARY OF MILACRON, INC.

Defendant, improperly denominated as Cincinnati Grinders, Inc. Individually and as Subsidiary of Milacron, Inc. ("Defendant"), hereby responds to Plaintiffs' Master Set of Interrogatories (the "Interrogatories") as follows:

GENERAL OBJECTIONS

1. Defendant objects to these Interrogatories to the extent that they seek information subject to the attorney-client privilege, information which constitutes work product and/or information which is not otherwise subject to discovery pursuant to the Ohio Rules of Civil Procedure and/or the Local Rules of the Cuyahoga Court of Common Pleas and/or the Standing Order of the Cuyahoga County Asbestos Cases Special Docket.

2. Defendant objects to the Interrogatories to the extent that they seek to impose obligations upon Defendant which exceed those imposed by the Ohio Rules of Civil Procedure.

3. This action relates to an alleged specific product (asbestos-containing grinding wheels). Accordingly, to the extent that these Interrogatories seek information related to matters involving different products, said Interrogatories seek information not relevant or material to the subject matter of this action and/or not reasonably calculated to lead to the discovery of admissible evidence in this action.

4. Defendant objects to the Interrogatories to the extent that they contain vague, ambiguous, conclusory and/or undefined terms.

5. Defendant objects to the Interrogatories to the extent that they are overly broad, unreasonable in scope, unduly burdensome, oppressive and/or require unreasonable expense.

6. Defendant objects to the Interrogatories to the extent that they are susceptible to an interpretation that makes them not relevant, vague, ambiguous, overly broad, unreasonable in scope, and/or unduly burdensome.

7. Defendant objects to the Interrogatories to the extent that they seek information which is confidential, proprietary and/or which constitutes trade secrets.

8. Defendant objects to the Interrogatories to the extent that they seek information that is available from public records and thus, equally as available to Plaintiff as to Defendant on the grounds that any such Interrogatory is unreasonable, unduly burdensome and unnecessarily expensive.

9. Defendant objects to the Interrogatories to the extent they seek production of documents containing personal and private information regarding present and/or former employees of Defendant.

10. Defendant objects to the scope of the Interrogatories to the extent that they are overbroad and burdensome in that they seek information that significantly pre- or post-dates Plaintiff's alleged injury and, as a result, Defendant will limit its production of documents to a reasonable time period prior to and after Plaintiff's alleged injury where applicable.

11. 11. Defendant's investigation of this action is continuing and thus Defendant reserves the right to supplement, modify or add to its responses to the Interrogatories, although Defendant does not hereby undertake to agree to do so except to the extent required by the Ohio Rules of Civil Procedure.

12. Defendant objects to the fact that Plaintiffs have propounded interrogatories in excess of the number allowed by the Civil Rules.

13. Defendant specifically incorporates these General Objections in each and every one of their objections and responses to each specific Interrogatory set forth below.

RESPONSES TO 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:

Roger A. Gary (Employee of Defendant), 10506 State Rte. 48, Loveland, Ohio 45140. Employed by Defendant since 1973.

1973-1975: R&D Specialist; 1975-1977: Senior R&D Discipline; 1977-1978: Project Scientist; 1978-1985: Supervisor R & D; 1985-present: Manager of Research and Design.

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:

Objection. This interrogatory requests information protected by the attorney-client and/or work product privilege. In addition, the request is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiff. Without waiving said objections, all non-privileged documents have been produced in response to Plaintiffs' Request for Production of Documents. As such, please see responses to Plaintiffs' Requests for Production of 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:

No. "Cincinnati Grinders, Inc." is not now and never has been an operating corporation. Cincinnati Milling and Grinding Machines, Inc. (an Ohio Corporation) merged with Cincinnati Lathe & Tool Company in 1970 and became Cincinnati Milacron Company, an Ohio Corporation). "Cincinnati Grinders, Inc." never did and does not now exist as an operating 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:

Objection. This interrogatory is overly broad and unduly burdensome without corresponding benefit to Plaintiffs. Without waiving this objection, please refer to response to Interrogatory 2. In addition, Defendant states as follows:

On August 20, 1931, the Cincinnati Milling Machine Co. and Cincinnati Grinders Inc. was incorporated in the State of Ohio. On September 15, 1931, the company changed its name to Cincinnati Milling Machine and Cincinnati Grinders, Inc. On April 25, 1942, the company again changed its name to Cincinnati Milling and Grinding Machines, Inc. On April 22, 1970, Cincinnati Milling and Grinding Machines, Inc. merged with Lathe & Tool (an Ohio corporation) and became Cincinnati Milacron Company. On July 9, 1980, Cincinnati Milacron Company changed its name to Cincinnati Milacron Marketing Company. On October 9, 1998, Cincinnati Milacron Marketing Company changed its name to Milacron Marketing Company.

In response to Interrogatory 3(a), Defendant responds: No.

In response to Interrogatory 3(b)-(h), Defendant responds: None.

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:

No.

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:

None.

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 products 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant states the following:

a. Cincinnati Milling and Grinding Machines, Inc., Cincinnati Milacron Co., Cincinnati Milling Machine Co. and Cincinnati Milacron, Inc.
b. (1) In supplementation of this response, the diamond grinding wheels were identified on packaging as "Diamond Wheel."
   (2) N/A
   (3) Dates are approximations. Defendant stopped using cores which may have contained asbestos in 1978. Defendant did not begin making diamond grinding wheels until 1963, but it is unknown when asbestos was first used in the core after 1963.
   (4) Black phenolic resin grinding wheels which contained, upon customer demand, asbestos filler.
   (5) The asbestos filler supported the rim of the grinding wheel which contained diamond in resin matrix.
   (6) In supplementation of this response, please see the color-copied photographs attached hereto.
   (7) Unknown
   (8) Unknown
c. See response to (b)(3) above.
d. N/A
e. Unknown
f. See response to (b)(4) above.
g. See response to (b)(5) above.

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:

No.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

(a) The trade name of each such product;

(b) The date each such product was altered;

(c) The nature of the alteration;

(d) The reason for the alteration.

ANSWER:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant states the following: Yes.

a. There is not a trade name for the diamond grinding wheels. In supplementation of this response, the diamond wheels were called "Diamond Wheels" on their packaging.
b. 1978
c. Stopped using asbestos in cores.
d. To eliminate the use of asbestos-filled phenolics as a core material. Please refer to January 3, 1978 memorandum, authored by Bob McKee, attached to document responses at Tab 4.

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 addresses 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 your 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding distributors that did not come into contact with Plaintiff. Without waiving this objection, Defendant states the following: Defendant's grinding wheels were sold through distributors. Strong, Carlisle and Hammond was the distributor for Ford Motor Co. (Brookpark, Ohio) during the time period in which asbestos-containing grinding wheels, if any, would have been sold. Defendant does not have any documents responsive to this request. Strong, Carlisle and Hammond went out of business during the 1980's.

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

ANSWER:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, 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:

N/A.

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

ANSWER:

Unknown.

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:

N.A.

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:

Objection. This interrogatory is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, no.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Yes, the diamond grinding wheel contained asbestos-containing products manufactured by someone else.

a. Plenco (Plastics Engineering Company), 3518 Lakeshore Drive, Sheboygan, WI 53082-0758.

b. Plenco 397.

c. Consumable Products Division.

d. Unknown.

e. The diamond grinding wheels were distributed through the same channels as indicated above.

f. None.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant has no sales documentation indicating that the asbestos-containing products, incorporated into diamond grinding wheels, were ever sold to the Plaintiff's work sites.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant responds as follows: Defendant has no documents that indicate whether any company or business in fact marketed, distributed, installed and/or sold any asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant. Nevertheless, Strong, Carlisle and Hammond was the sole distributor responsible for the Brookpark area while Defendant "mined, manufactured, sold, marketed, installed or distributed" the diamond grinding wheels. Further answering, see response to Interrogatory 8.

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:

Defendant raises the same objections as raised in response to Interrogatory 8.2. Without waiving said objections, See response to Interrogatory 8.2 and 8.

8.4 Does Defendant have records and/or any knowledge that reflect 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:

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant responds as follows: Unknown.

9.1 Identify all manager 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the time frame in this request, which is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant responds as follows:

1. John Fisler (Territory Manager, still employed by Defendant)? John Fisler is a current employee, and as such, any inquiries of him should be directed through Defendant's attorneys.

2. Bob Jones (Territory Manager, retired)? Robert A. Jones, retired 1982, 23380 Carolwood Lane #3408, Boca Raton, Florida 33428

3. Jalmer Johnson (Regional Manager, deceased).

Any inquiries of Defendant's employees (current or former) should be directed through Defendant's attorneys.

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:

Objection. Any information which might be obtained from this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, 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:

Objection. Any information which might be obtained from this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, the diamond grinding wheels were manufactured and/or assembled at Consumable Products Division, 3000 Disney (fka 4701 Marburg Avenue), Cincinnati, Ohio. The plant has been in existence at all times relevant to this lawsuit.

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 dollar 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs.

Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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:

Objection. Any information which might be obtained from this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, 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:

Objection. Any information which might be obtained from this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, please see the color copied photographs attached hereto. All such packages are in the custody of Defendant. These packages were used for the shipping of all diamond grinding wheels, whether or not asbestos was used in the core of such wheels. The packaging depicted in the attached photographs was used the entire time that asbestos was included in the core of some diamond grinding wheels.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, no specific information is available. Lab employees would have been involved, but no specific individuals are known except an individual named Bob McKee, the Vice President and General Manager of the Consumable Products Division and President of Talbott Holdings, Ltd.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Defendant responds as follows: Defendant's diamond grinding wheels were made with asbestos-containing products upon customer request. Defendant's diamond grinding wheels are designed to grind parts with the outer rim, which is not comprised of asbestos-containing products. The core was the only part of the diamond grinding wheels which potentially would be comprised of asbestos-containing products. The core was solely a support mechanism for the grinding rim. The core was not designed to be "cut, shaped, mixed and applied on the job."

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Defendant responds as follows: The only part of the diamond grinding wheels that was potentially comprised of asbestos-containing products was the core. All diamond grinding wheels would be applied by a worker without the core coming in contact with the product being ground. Accordingly, the core would not create 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, business records have been produced from which this request can be answered. As such, please see responses to Plaintiffs' Requests for Production of Documents.

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 product 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, no.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

(a) The name of the products tested and the date of each test.

(b) The name, address, and job classification of each individual who conducted such tests;

(c) The results of such tests.

ANSWER:

Defendant raises the same objections as listed in response to interrogatory 18. Without waiving said objection, no.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendation, 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, business records have been produced from which this request can be answered. As such, see Defendant's Responses to Plaintiffs' Requests for Production of Documents.

20. Were any design changes or modification 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:

Defendant raises the same objections as raised in response to interrogatory 18. Without waiving said objections, no.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs.

Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, 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 relabeled for distribution by your 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, none.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to

lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, it is unknown when Defendant became aware generally of "the likelihood of asbestos being hazardous to human health." With respect to potential hazards with asbestos-containing cores of grinding wheels, Defendant states that it was never informed or aware that such products, if properly used, would create a safety hazard. Further answering, please see documents produced in response to Plaintiffs' Requests for Production of 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Kettering Laboratories (University of Cincinnati) was retained to analyze testing which was performed as indicated above.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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:

Defendant raises the same objections raised in response to Interrogatory 30. Without waiving said objections, unknown.

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 Manufacturer 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:

Objection. This request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, several of Defendant's employees belong to American Ceramics Society. In addition, it is believed that Defendant had a corporate membership to the American Ceramics Society in 1992, 1993 and 1996.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, tests were conducted on February 16, 1974 and January 22, 1977 to determine concentration of airborne asbestos dust in the diamond room using procedures recommended by OSHA. Those tests demonstrate that the diamond room was within OSHA compliance levels.

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:

Defendant raises the same objections raised in response to Interrogatory 31. Without waiving said objections, please see documents produced in response to Plaintiffs' Requests for Production of Documents.

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:

Defendant does not know when, if ever, it 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."

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:

Defendant raises the same objections as raised in response to interrogatory 31. Without waiving said objections, please see response to interrogatories 31 and 32.

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:

Objection. This request is unduly burdensome, overly broad and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving said objection, 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:

No.

36. When was Defendant first aware of report 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:

Objection. This request is not calculated to lead to the discovery of admissible evidence. Without waiving this objection, Defendant is not aware of such reports of studies.

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:

Defendant raises the same objections as raised in response to interrogatory 36. Without waiving said objections, no.

36.2 Did Defendant ever contract with Saranac Laboratories to analyze dust of products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER:

Defendant raises the same objections as raised in response to interrogatory 36. Without waiving said objections, 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:

Objection. This request is overly broad, unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant has no knowledge of any such memberships.

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:

Defendant raises the same objections as raised in response to interrogatory 37. Without waiving said objections, see response to interrogatory 37.

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 for publication.

ANSWER:

Objection. This request is overly broad, unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, Defendant has no records, documents or knowledge from which to answer 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:

Objection. This request is overly broad, unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, unknown.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Defendant has produced business records in response to Plaintiffs' Requests for Production of Documents from which this information can be gathered. As such, please see responses to Plaintiffs' Requests for Production of Documents. In addition, please see color copied photographs attached hereto.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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 distribute to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, yes. Documents entitled "Grinding Wheel Application Guide" and "What You Need to Know to Sell Cincinnati Diamond Grinding Wheels" are potentially responsive to this request. Further answering, unknown.

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:

Objection. This interrogatory is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Without waiving this objection, correspondence with distributors was doubtless generated. However, no such documentation is in the possession, custody or control of Defendant.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Defendant responds as follows:

a. Asbestos-containing products were eliminated from use in 1978, when Plenco 552 (non-asbestos containing) was put to use in place of Plenco 397 (asbestos-containing).
b. See response to subsection a above.
c. Yes.
d. Unknown.
e. No.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, unknown.

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 record pertaining to each such claim.

ANSWER:

Objection. This request is overly broad, unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the extent that any of the information requested is privileged or confidential. Without waiving said objection, 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:

Objection. This request is overly broad unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the extent that any such information requested is protected by attorney-client and/or work product privilege. Without waiving said objections, see documents produced in response to Plaintiffs' Requests for Production of 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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, not to Defendant's knowledge.

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:

Objection. This request is overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant specifically objects to the time frame included in this request. Without waiving said objections, Defendant conducted medical monitoring of employees exposed to asbestos dust. Further answering, Defendant has produced business records from which information responsive to this request can be obtained. As such, please see documents produced in response to Plaintiffs' Requests for Production of Documents.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, see response to

interrogatory 47.3. Further answering, there was no exposure to airborne asbestos dust encountered simply from using the diamond grinding wheels as described throughout the above responses.

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:

Objection. This request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Defendant further objects to the request of confidential and/or privileged information. Without waiving this objection, Defendant has no such knowledge.

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 record 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:

Defendant maintains sales and purchasing records for, at most, ten years in accordance with standard record retention policy. The department that would have been responsible for retention of relevant documents, if any, is the purchasing department, but no such records are currently in existence. The record retention policy of this company requires that all documents be kept in hard copy for five years, after which all documents are purged. In addition, a computer system was developed in 1995, from which no documents have been purged. However, none of the computer records would be applicable to your request. As such, the documents that you have requested have long since been purged, pursuant to the company's normal document retention policy.

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:

All records were destroyed according to normal operating procedures, in accordance with the standard record retention policy. No further information is available from which to answer this request.

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:

No.

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:

No such invoices, work orders and/or purchase orders are in the possession, custody or control of the Defendant.

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:

Objection. This interrogatory calls for information potentially protected by the attorney-client and/or work-product privilege. Without waiving said objections, no.

50. Do you contend the 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:

Objection. Discovery in this matter is still on-going. At present, Defendant has no knowledge from which to answer this request. Defendant will supplement at such time that any such information becomes available.

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:

Objection. Discovery in this matter is still on-going. At present, Defendant has no knowledge from which to answer this request. Defendant will supplement at such time that any such information becomes available.

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:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, Plaintiff was not exposed to any asbestos fibers from Defendant's product, as the only asbestos-containing product was contained in the core of the grinding wheel, which was not used in the process of grinding but, instead, only used to support the rim, which was the grinding apparatus. Nevertheless, it is possible that if Plaintiff utilized a grinding wheel containing an asbestos core, then a respirator, mask, or other breathing device may have prevented inhalation of asbestos dust and fibers, if such asbestos core created asbestos dust or fibers, which it would not if used properly.

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:

Objection. Defendant will identify expert witnesses in accordance with the standing order, local rules, Ohio Civil Rules and any court scheduling orders.

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:

Objection. Defendant will identify expert witnesses in accordance with the standing order, local rules, Ohio Civil Rules and any court scheduling orders. Defendant further objects to the request of confidential/privileged "consulting" experts.

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

ANSWER:

Yes.

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiff's 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;

(c) each and every witness who will testify in support of each and every affirmative defense; and

(d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER:

Objection. This interrogatory is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence.

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:

Will timely supplement.

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:

Objection. This request calls for potentially confidential and/or privileged information. In addition, the request is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiff. Without waiving said objection, no.

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

ANSWER:

Objection. Discovery is still progressing, and new individuals may come to light. Further answering, and without waiving said objection, please see preceding responses.

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

ANSWER:

Objection. There is no evidence that Plaintiff was ever exposed to any asbestos-containing grinding wheels "mined, manufactured, sold, marketed, installed or distributed" by Defendant. As such, this request is overly broad and unduly burdensome and not calculated to lead to the discovery of admissible evidence, without corresponding benefit to Plaintiffs. Defendant further objects to the request for information regarding asbestos-containing products that did not come into contact with Plaintiff. Without waiving this objection, see response to interrogatory 5.

As to all objections:

/s/Scott D. Phillips
Scott D. Phillips

Respectfully submitted,

/s/Scott D.Phillips
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on the following by facsimile and ordinary mail on December 12th, 2002:

Ladd R. Gibke, Esq.
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FAX: (214) 520-1181

Theresa L. Nelson, Esq.
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Monroe, Ohio 45050
FAX:

CINlibrary/1236030.1

VERIFICATION

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

Roger Gary, being first duly cautioned and sworn, deposes and says of his own knowledge that the foregoing answers to interrogatories are true and correct to the best of his knowledge and belief.

Roger Gary

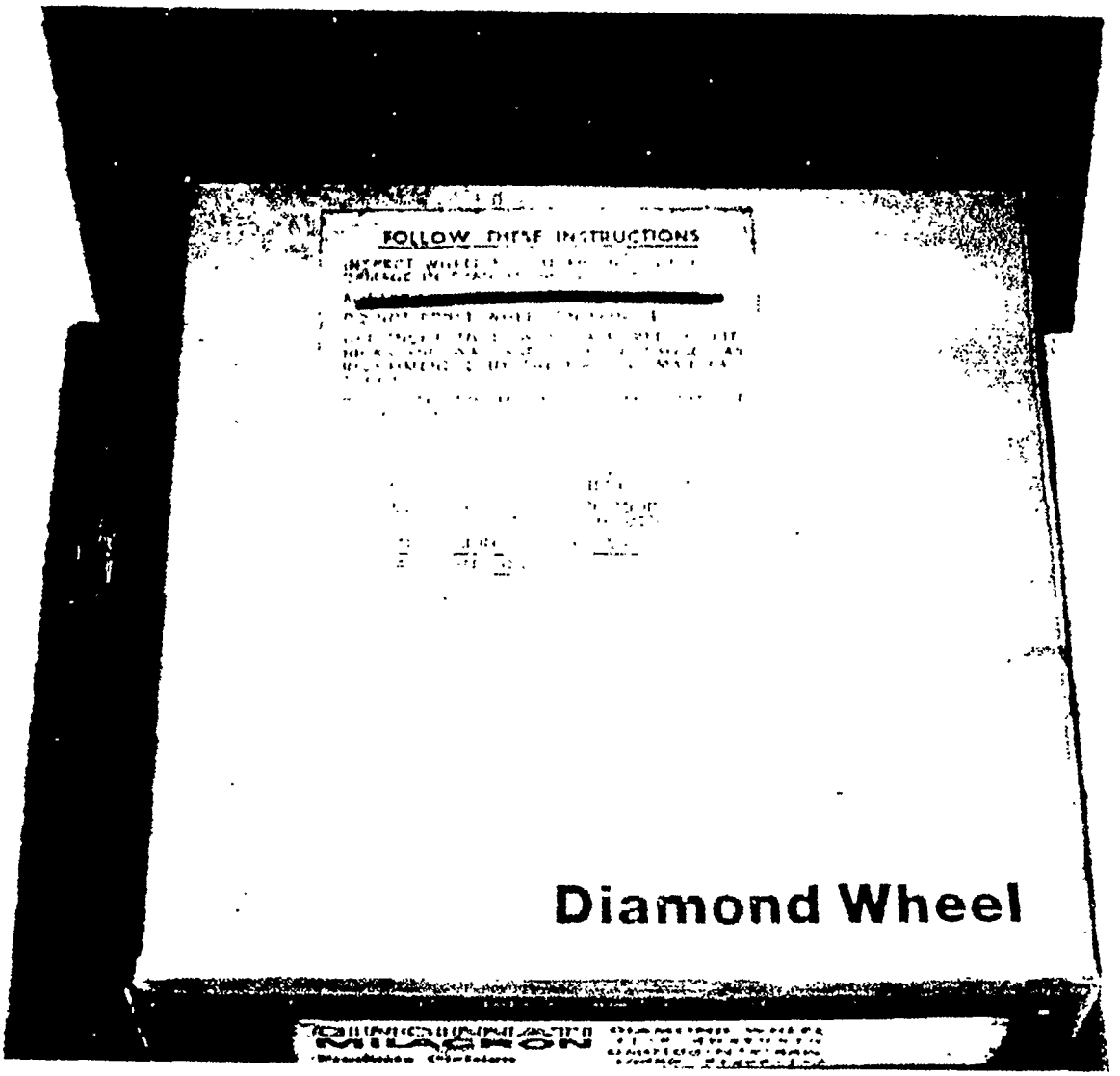
Subscribed and sworn to before me, a Notary Public in and for the State of Ohio, this 06 day of ~~November~~ R.U. R.G. DECEMBER, 2002.

Notary Public

CINlibrary/1236030.1

RICHARD P. VINUP
Notary Public, State of Ohio
My Commission Expires [illegible]


Diamond Wheel
CINCINNATI
MILACRON
Products Division
DIAMOND WHEEL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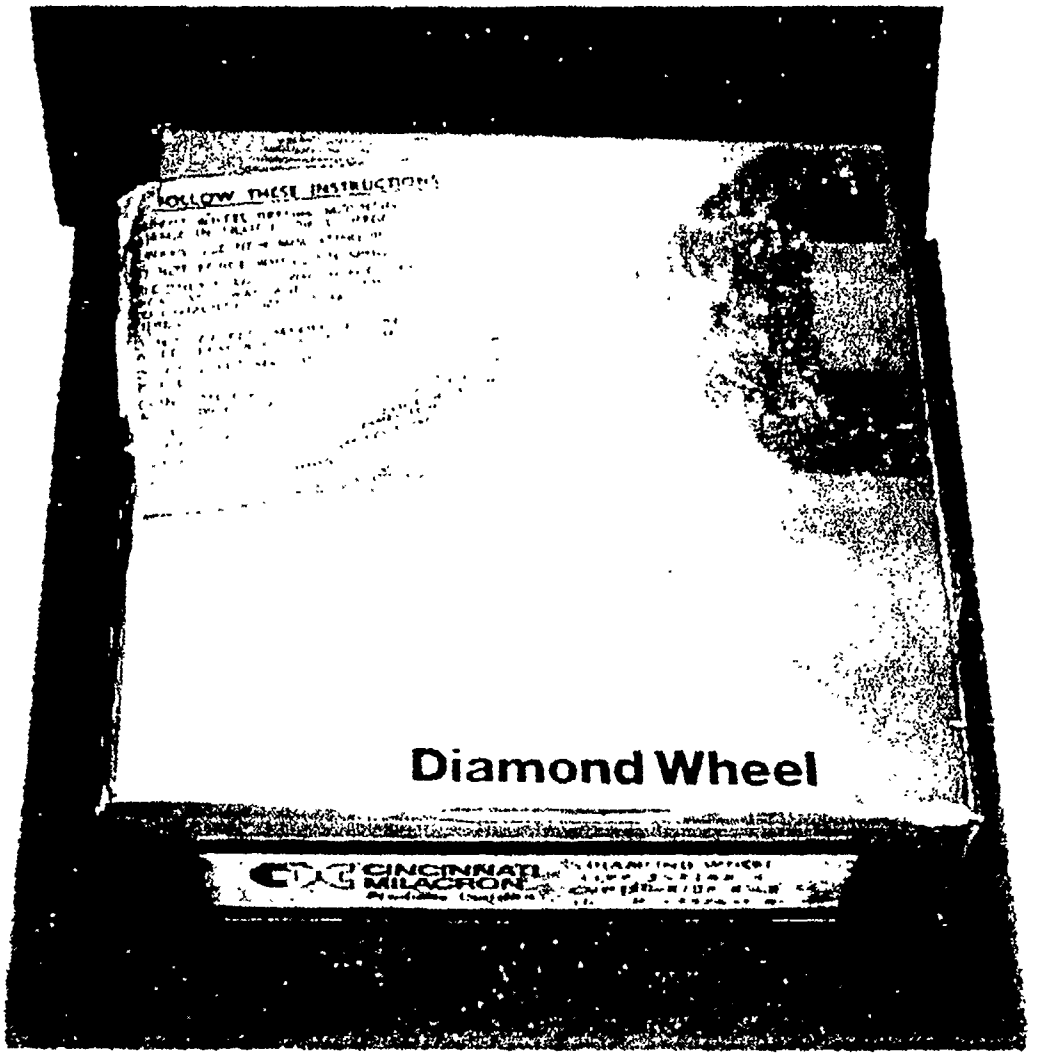
Diamond Wheel
NILACON


Diamond Wheel
CINCINNATI
MILACRON
Products Division
DIAMOND WHEEL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