

FL015b.ASB
03/13/89

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION)
FILED IN MADISON COUNTY)
_____)

Lead Case:

ADAMS - 86-L-1827

DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO
PLAINTIFF'S INTERROGATORIES

PRELIMINARY STATEMENT

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

interrogatories. Unless otherwise stated in an answer to a specific interrogatory, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc. manufactured asbestos-containing insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory in regard to any period of time other than the period during which it engaged in the business involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

Furthermore, Owens-Illinois, Inc. objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories, on the basis that the definitions are overbroad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overbroad, burdensome and constitute an unreasonable expansion of the interrogatories themselves. Owens-Illinois, Inc. therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiffs, and instead shall answer the interrogatories in a manner consistent with a normal

understanding of the language used in the interrogatory and to the extent necessary to fairly and fully answer the interrogatory.

With respect to each document, please state:

Q. 1. Whether answering defendant has in his possession a copy of such document.

A. 1. This defendant objects to interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time pertinent to this litigation. Without waiving the above objection, this defendant states that it has in its possession copies of the following exhibits:

Plaintiff's exhibit #

00188.0	00237.0	01377.0	01427.0
00231.0	00238.0	01384.0	01432.0
00232.0	00239.0	01389.0	03931.0
00233.0	00241.0	01423.0	04100.0
00234.0	00320.0	01424.0	04177.0
00236.0	01341.7	01426.0	04184.0
			04203.0

Q. 2. If answering defendant has a copy of such document, state whether the document was obtained from answering defendant's historical business files.

A. 2. This defendant objects to interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time pertinent to this

litigation. Without waiving the above objection this defendant states that the following documents were found as part of this defendant's business files:

Plaintiff's exhibit 01341.7 to the extent that it is a full and complete copy;

01377.0

01426.0

01427.0 (however, plaintiff has incorrectly identified the date of the document. This defendant reserves the right to compare this exhibit with its business files).

04100.0

04177.0

04184.0

Q. 3. If the document was not obtained from answering defendant's business files, state from what source the document was obtained. Identify by name, date, place and person providing answering defendant with such documents; the source from which answering defendant received the document. If the document was obtained through a deposition, give the date and place of the deposition and the deponent's name.

A. 3. This defendant objects to interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time pertinent to this litigation. Without waiving the above objection this defendant states that the documents in its possession not obtained from its business files were obtained from various sources throughout litigation. This defendant believes that the documents may have been obtained from the following sources; however, this defendant's investigation is continuing, and this defendant cannot exclude the possibility that it may be able to obtain more

complete information or even information which indicates that the answer being supplied is incorrect. This defendant reserves the right to further answer this interrogatory at any time in the future.

(a) During May, 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey.

(b) Other documents relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

(c) Some of the documents related to this interrogatory may have been produced by Owens-Corning Fiberglas in connection with the depositions of the following people and were obtained on the following dates:

Mr. Everett Shuman	6/12/79
Mr. Ed Ames	9/28/79
Dr. C. F. Shook	9/7/79

AFFIDAVIT

STATE OF OHIO)

)SS:

, COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

A. H. Smith

A. H. SMITH

SWORN TO and subscribed
before me this 15th day

of March, 1989.

Dianne M. Gempel

Notary Public

My Commission Expires:

DIANNE M. GEMPEL
Notary Public, State of Ohio
My Commission Expires August 27, 1991