

WV055A.ASB
04/18/91

IN THE CIRCUIT COURT OF OHIO COUNTY,
WEST VIRGINIA

DONALD W. VANDYNE and
BARBARA J. VANDYNE, his wife,
Plaintiffs,

vs.

OWENS-CORNING FIBERGLAS
CORPORATION, et al.,
Defendants.

Civil Action No. 90-C-288-W

DEFENDANT, OWENS-ILLINOIS, INC.'S RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES,
AND REQUEST FOR PRODUCTION OF DOCUMENTS

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories and Requests for Production 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 and requests for production 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 and requests for production were 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

PLAINTIFF'S
EXHIBIT

WV-021871

PLAINTIFF'S
EXHIBIT

79310.00

of, or confirm the absence of, such documents and is also engaged in a continuing investigation into the matters inquired about in these interrogatories and requests for production. Unless otherwise stated in an answer to a specific interrogatory or request, 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 and request 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 and requests for production, on the basis that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overly broad, burdensome and constitute an unreasonable expansion of the interrogatories and requests for production themselves. Owens-Illinois, Inc. therefore gives notice that it does not consider itself bound by the instructions and defini-

tions propounded by plaintiffs, and instead shall answer the interrogatories and requests for production in a manner consistent with a normal understanding of the language used in the interrogatories and requests for production and to the extent necessary to fairly and fully answer the interrogatory and request for production.

Interrogatories

Q. 1. List the asbestos-containing products by brand name which were manufactured by this defendant for the years 1935-72.

A. 1. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant's asbestos-containing products were Kaylo and Kaylo-20.

Q. 2. For each product listed in No. 1:

(a) Give the dates that each particular product was on the market;

(b) State the use and/or application for each such product.

A. 2. (a) Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" asbestos-containing products in about 1948, and began the manufacture of commercial quantities of "Kaylo-20" in or after mid-1955, and continued such manufacture until about April 30, 1958. This defendant's manufacturing

plants were located in Berlin, New Jersey and Sayreville, New Jersey. The Berlin plant was in operation from approximately 1943 until on or about April 30, 1958. The Sayreville plant was in operation from February 1948 until about April 30, 1953.

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

Q. 3. List the asbestos-containing products by brand name that were distributed by this defendant but were manufactured by some company other than this defendant and list name of said manufacturer and the dates of manufacture.

A. 3. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. It did not distribute or sell asbestos-containing insulation products manufactured by another company.

Q. 4. For each product listed in No. 3, state whether or not that product was distributed under the brand name of this defendant or the brand name given that product by the other manufacturer.

A. 4. Not applicable to this defendant. Refer to answer to Interrogatory No. 3.

Q. 5. For each product listed in No. 1, state the physical appearance of that product, giving the color, size, shape, consistency and composition (asbestos content, fiber type and other ingredients).

A. 5. This defendant ceased the manufacture, sale and distribution of its asbestos-containing products in 1958. Its investigation as to the composition of each such product, including the type of asbestos contained therein (i.e., amosite or chrysotile) and the quantitative percentage of asbestos, is continuing, although this defendant now believes that this defendant's commercially produced asbestos-containing products were hydrous calcium silicates containing between 13% and approximately 20% asbestos. Chrysotile asbestos was the primary type apparently used. Amosite was incorporated to a lesser extent. For some periods of time, light density pipe covering and block insulation contained only chrysotile asbestos. Roof deck and door core contained both chrysotile and amosite asbestos. This defendant believes that Kaylo and Kaylo-20 were premolded, light density rigid products, and were manufactured in two forms, block and pipe covering. Kaylo roof deck and door core were made of a heavy density material in block form. Kaylo was white or off-white in color, and Kaylo-20 was pinkish in color.

Q. 6. For each product listed in No. 3, state the physical appearance of that product, giving the color, size, shape, consistency and composition (asbestos content, fiber type and other ingredients).

A. Not applicable to this defendant. Refer to answer to Interrogatory No. 3.

Q. 7. For each product listed in No. 1 and for each year of manufacture, give a description of the container or carton that the product was packaged in for distribution including:

- (a) Color;
- (b) Logo;
- (c) Printing on said container;
- (d) Size and configuration.

A. 7. This defendant believes that some of its asbestos-containing insulation products were packaged in corrugated cartons with the trademark Kaylo on the carton. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have information sufficient to further answer this interrogatory.

Q. 8. State for any asbestos-containing insulation product manufactured or distributed by you whether:

(a) The cement changed colors when water was applied;

(b) Describe the appearance of said cement after it is properly applied; that is, whether it was rough or smooth, its consistency and color.

A. 8. This defendant objects to this interrogatory on the grounds that it is vague, ambiguous, and unintelligible. Without waiving the above objection, this defendant never manufactured, sold or distributed asbestos cement.

Q. 9. State whether the defendant has photographs or catalogs of each product listed in No. 1 and No. 3, and if so, where same are located.

A. 9. Refer to Exhibit I. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to further answer this interrogatory. Refer to answers to Interrogatory Nos. 1 and 3.

Q. 10. State whether any pipe covering, block, insulating cloth, gaskets, or packing had any distinctive markings, design, or weaving and describe same in detail.

A. 10. This defendant objects to this interrogatory on the basis that this defendant did not manufacture insulating cloth, gaskets or packing, Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory. However, this defendant believes that its product had no identifying markings.

Q. 11. Please state whether or not sold, shipped, or supplied asbestos-containing products to the following jobsites and/or employers:

- a. Hope Natural Gas Co., Hastings, West Virginia [1946 - 1949];
- b. Union Carbide Corporation, Hastings, West Virginia [1949 - 1964];
- c. Union Carbide Corporation, South Charleston, West Virginia (plant # 514) [1949 - 1964];
- d. Mobay Corporation, New Martinsville, WV [1965 - present].

If so, please state with particularity, and separately as to each of the above, the quantity, and brand or trade name of those products which were sold, shipped, or supplied to each of the above. (This interrogatory encompasses the period of time during which plaintiff worked at or for the above employers or jobsite, and one additional year preceding the time plaintiff first began work for said employers, or at said jobsite.)

A. 11.a. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above

objection, this defendant has found no records indicating that it sold, distributed, or otherwise supplied insulation products containing asbestos to Hope Natural Gas Co., Hastings, WV.

b. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found no records indicating that it sold, distributed, or otherwise supplied insulation products containing asbestos to Union Carbide Corporation, Hastings, WV.

c. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found information in its records that indicate that it sold its asbestos-containing products to Union Carbide Corporation, South Charleston, WV in 1952. Refer to Exhibit II.

d. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products.

Q. 12. Please state whether or not you sold, shipped, or supplied asbestos-containing products to A & I Company (for-

merly known as Asbestos and Insulating Company) during the period of time from 1949 through 1964.

A. 12. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found no records indicating that it sold, distributed, or otherwise supplied insulation products containing asbestos to A & I Company.

Q. 13. Please state whether or not you sold, shipped, or supplied asbestos-containing products to Geo. V. Hamilton, Inc. during the period of time from 1946 through the present. (This Interrogatory encompasses the period of time during which plaintiff worked at or for the employers or jobsites, identified in Interrogatory No. 11, supra, and one additional year preceding the time plaintiff first began work at same.)

A. 13. This defendant objects to this 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found information in its records that indicate that it sold its asbestos-containing products to George V. Hamilton, Inc. in 1949 - 1953. Refer to Exhibit III.

Q. 14. Identify by name and address each and every person whom you expect to call as an expert witness at trial.

A. 14. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 15. As to each such person, state the subject matter on which the expert is expected to testify.

A. 15. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 16. As to each such person, state the opinions to which each such expert is expected testify.

A. 16. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 17. As to each such person, set forth a summary of all grounds for each opinion referred to in Interrogatory No. 16.

A. 17. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 18. State the particular field or fields in which such witness is an expert.

A. 18. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 19. State the degrees which such expert holds, the dates conferred, and the institutions of learning attended. By way of a request for production, attach a copy of each expert's curriculum vitae with your answers to these Interrogatories.

A. 19. The identity of expert witnesses to be called at trial is not known at the present time. This defendant reserves the right to designate at a later date expert witnesses to be used at trial.

REQUESTS FOR PRODUCTION

REQUEST NO. 1. Please produce a copy of all sales invoices, purchase orders, freight bills, shipping orders, and/or all other documents which refer, reflect or relate to the shipment, delivery, receipt, transfer, purchase, sale, and/or distribution of any asbestos and/or asbestos-containing product to the jobsites and/or employers listed in plaintiff Interrogatory No. 11, supra. As to each such employer and/or jobsite, this request for production shall encompass the period of time identified as to that employer or jobsite in plaintiff's Interrogatory No. 11, supra.

RESPONSE NO. 1. Refer to Exhibit II.

REQUEST NO. 2. A list reflecting the asbestos-containing products manufactured or distributed by this Defendant, including all subsidiaries, divisions, and previous or predecessor entities.

RESPONSE NO. 2. Kaylo and Kaylo-20.

REQUEST NO. 3. All documents necessary to determine the formulation of every asbestos-containing product ever manufactured or distributed by this Defendant, including all subsidiaries, divisions, and previous or predecessor entities.

RESPONSE NO. 3. This defendant has in its records technical reports relating to the development and testing of Kaylo, and will make available to plaintiffs' counsel through its local counsel these records. Many of the reports are contained on microfilm which is old and of poor quality. Adequate copies may not be made from it, and reading it requires a reader device. Other documents possibly relating to this request may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation. This defendant further states that its investigation into the subject matter referred to in this request is continuing.

REQUEST NO. 4. A sample of each product catalog ever used by this Defendant, including all subsidiaries, divisions, and predecessor entities, which contains information about or concerns asbestos or any asbestos-containing product. This includes by explanation but not by limitation, pamphlets, binders, sales brochures and dealer brochures.

RESPONSE NO. 4. Refer to Exhibit I of this defendant's answers to plaintiff's interrogatories.

REQUEST NO. 5. All records which reflect the dissemination by this Defendant, including all subsidiaries, divisions, and predecessor entities, of the literature referred to in the immediately preceding request, to distributors, consumers, contractors, subcontractors, unions, and other persons and entities, to whom dissemination was made, including the facility and/or employers identified in Interrogatory No. 11 supra.

RESPONSE NO. 5. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents responsive to this request.

REQUEST NO. 6. All bulletins disseminated by this Defendant, including all subsidiaries, divisions, and predecessor entities, to consumers, contractors, and unions including the facilities identified in Interrogatory No. 11, supra, relating to any advice given concerning the use of asbestos or any asbestos-containing product.

RESPONSE NO. 6. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents responsive to this request.

REQUEST NO. 7. All records, minutes, and other documents reflecting any meetings of the product safety committee, industrial hygiene committee, or any other safety or health-related committee within the organization of this Defendant, including all subsidiaries, divisions, and predecessor entities, wherein the potential health effects of asbestos have been discussed.

RESPONSE NO. 7. This defendant objects to this request 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Further, this defendant objects to this request in that it seeks information protected by the attorney-client and/or the attorney work-product privilege. Without waiving the above objection, this defendant has found no documents in its business records responsive to this request.

REQUEST NO. 8. Any and all other records, correspondence, minutes, or other documents of this Defendant, including all subsidiaries, divisions, and predecessor entities, wherein the potential health effects of asbestos have been discussed.

RESPONSE NO. 8. This defendant objects to this interrogatory as being overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant objects to this request in that it seeks information protected by the attorney-client and/or the attorney work-product privilege.

REQUEST NO. 9. All records, including, but not limited to, all correspondence, agreements, memoranda, minutes, guidelines, and test results, reflecting any study or tests of the effects of the inhalation of asbestos dust or other asbestos-related diseases which this Defendant, including all subsidiaries, divisions, and predecessor entities has ever participated in or ever funded in whole or in part.

RESPONSE NO. 9. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. The documents requested have not been found as part of this defendant's records and, to the extent that this defendant is in

possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

REQUEST NO. 10. Any and all records reflecting any claim made against this Defendant, including all subsidiaries, divisions, and predecessor entities, wherein it has been alleged that a person sustained an asbestos-related disease, including, but not limited to, all lawsuits filed against this Defendant, including all subsidiaries, divisions, and predecessor entities.

RESPONSE NO. 10. This defendant objects to this request as being overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

REQUEST NO. 11. Any and all Documents from any insurance carriers for this Defendant, including all subsidiaries, divisions, and predecessor entities, concerning the safety of workers relative to their involvement or employment in asbestos or asbestos-containing insulation products.

RESPONSE NO. 11. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents responsive to this request.

REQUEST NO. 12. Any and all records necessary to sufficiently reflect the dollar amount spent annually on medical research since 1930 by this Defendant, including all subsidiaries, division, and predecessor entities.

RESPONSE NO. 12. This defendant objects to this request 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents in its business records responsive to this request.

REQUEST NO. 13. All personnel records necessary to sufficiently reflect the employment since 1930 of all industrial hygienists by this Defendant, including all subsidiaries, division, and predecessor corporations.

RESPONSE NO. 13. This defendant objects to this request 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.

REQUEST NO. 14. A bibliography of all material contained in any and all medical libraries of this Defendant, including all subsidiaries, division, and predecessor corporation.

RESPONSE NO. 14. During the period of time pertinent to these actions, this defendant did not maintain an entity which would be characterized as an industrial hygiene, medicine, safety and/or engineering library. However, this defendant believes that a separate engineering library may have been maintained by its technical facility. This defendant also states that although it has no records indicating the existence of such a library,

upon becoming involved in asbestos-related litigation this defendant listed all the publications which were in its then existing industrial hygiene library. These publications are listed on Exhibit IV. This defendant has not yet determined which, if any, of these publications were in this defendant's possession during the time it manufactured, sold and distributed asbestos-containing products.

REQUEST NO. 15. All records necessary to sufficiently reflect the history of warnings and the actual warnings that were placed on asbestos products; or other documents concerning the health effects of asbestos provided to the facilities and/or employers identified in Interrogatory No. 11 supra.

RESPONSE NO. 15. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this request. However, it does not appear that any warning concerning asbestos was given in that it does not appear that this defendant had reason to believe that the use of its products would result in a foreseeable risk of harm.

REQUEST NO. 16. All handouts and materials relating to any internal seminars conducted by this Defendant, including all subsidiaries, division, and previous or predecessor entities, wherein the potential health effects of asbestos have been discussed.

RESPONSE NO. 16. This defendant objects to this request as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this request on the grounds that it seeks information within the work-product privilege and on the ground that it is

oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this request.

REQUEST NO. 17. All records of this Defendant, including all subsidiaries, division, and previous or predecessor entities, which reflect the performance of dust respirators against fibrous dust.

RESPONSE NO. 17. This defendant objects to this request as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents responsive to this request.

REQUEST NO. 18. Any and all environmental control department manuals or similar documents of this Defendant, including all subsidiaries, division, and previous or predecessor entities.

RESPONSE NO. 18. This defendant objects to this 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. Without waiving the above objection, it is this defendant's policy to comply with federal and state regulations.

REQUEST NO. 19. All 10-K forms which this Defendant, including all subsidiaries, division, and predecessor entities, has submitted to the Securities Exchange Commission, and all Annual Stockholders Reports which reflect the actual date this

Defendant, including all subsidiaries, division, and predecessor entities, became aware of the occupational hazards of workers pertaining to asbestos-containing products.

RESPONSE NO. 19. This defendant objects to this request as being vague, ambiguous, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

REQUEST NO. 20. Please produce a copy of all sales invoices, purchase orders, freight bills, shipping orders, and/or all other documents which refer, reflect or relate to the shipment, delivery, receipt, transfer, purchase, sale, and/or distribution of any asbestos and/or asbestos-containing product to A & I Company (formerly known as Asbestos & Insulating Company) during the period of time from 1946 through 1964, inclusive.

RESPONSE NO. 20. This defendant objects to this request 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found no documents in its business records responsive to this request.

REQUEST NO. 21. Any and all correspondence between you and A & I Company (formerly known as Asbestos & Insulating Company), or any of its directors, officers, or employees, during the period of time from 1946 through 1964, inclusive.

RESPONSE NO. 21. This defendant objects to this request 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found no documents in its business records responsive to this request.

REQUEST NO. 22. Please produce a copy of all sales invoices, purchase orders, freight bills, shipping orders, and/or all other documents which refer , reflect or relate to the shipment, delivery, receipt, transfer, purchase, sale, and/or distribution of any asbestos and/or asbestos-containing product to Geo. V. Hamilton, Inc. during the period of time from 1946 through the present.

RESPONSE NO. 22. This defendant objects to this request 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 during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, refer to Exhibit III.

REQUEST NO. 23. Any and all correspondence between you and Geo. V. Hamilton, Inc , or any of its directors, officers, or employees, during the period of time from 1946 through the present.

RESPONSE NO. 23. This defendant objects to this request 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 during which

this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant has found no documents in its business records responsive to this request.

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is 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 RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO EACH NAMED DEFENDANT 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 18th day of April, 1991.
My Commission Expires: January 4th, 1996

SEAL

Mary Janet Crawford

Notary Public

MARY JANET CRAWFORD
Notary Public, State of Ohio
My Commission Expires 1-4-96