

IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

HELEN V. ARTHUR, Executrix	)	CASE NO. 976623
	)	
Plaintiff,	)	Judge Burt W. Griffin
	)	<u>INTERROGATORIES TO DEFENDANT</u>
vs.	)	
	)	<u>ALLIED CHEMICAL CORPORATION</u>
B. F. GOODRICH CHEMICAL COMPANY,	)	
et al.	)	<u>FIRST SET</u>
	)	
Defendants.	)	

Plaintiff submits the following Interrogatories to be answered by defendant Allied Chemical Corporation under oath pursuant to the Ohio Rules of Civil Procedure, Rule 33, within twenty-eight (28) days:

[Please note that whenever the word "you" appears in these Interrogatories, the Interrogatory is addressed not only to defendant, but also to their attorney, and to his agents, servants and employees, and these Interrogatories are intended to request and include the personal knowledge not only of defendant, but also their attorneys, and the agents, servants and employees of their attorneys.]

[Please further note that the Interrogatories are intended to be continuing in nature. Therefore, if at any time after the submission of your answers to these Interrogatories, any additional or supplemental information (or reports, documents, records, diagrams, notes, papers, films, motion pictures, or other tangible items of any kind) become known to defendant or to their attorneys, or to their agents, servants or employees, then plaintiff hereby requests that the answers to these Interrogatories be amended and submitted as amended to plaintiff so as to supply such additional supplemental information or tangible items as become known as aforesaid, and plaintiff requests that such amendment be submitted to plaintiff within a reasonable period of time after such information becomes known, and in any event, no

HINDELL, LOWE
& GUIDUBALDI
Attorneys & Counselors at Law
110 Leader Building
Cleveland, Ohio 44114

216/781-8880

ASI 000019733

later than twenty (20) days prior to the date of the actual commencement of the trial of this action.]

INTERROGATORY NO. 1:

Is the name and address of defendant Allied Chemical Corporation correctly set forth in the Complaint?

ANSWER:

Yes

INTERROGATORY NO. 2:

If your answer to preceding Interrogatory No. 1 is other than in the affirmative, then state the correct complete name and address.

ANSWER:

Not applicable

INTERROGATORY NO. 3:

Is defendant Allied Chemical Corporation presently a branch, division or subsidiary of any other defendant entity set forth in the Complaint, and if so, state the correct complete name and address of that other defendant entity.

ANSWER:

No

SINDELL, LOWE
& GUIDUBALDI
Attorneys & Counselors at Law
910 Lender Building
Cleveland, Ohio 44114

216/781-8880

ASI 000019734

INTERROGATORY NO. 4:

Is defendant Allied Chemical Corporation presently a parent entity of any other defendant entity set forth in the Complaint, and if so, state the correct complete name and address of that other defendant entity.

ANSWER:

No

INTERROGATORY NO. 5:

At any time since 1953, has defendant Allied Chemical Corporation ever been a branch, division or subsidiary of any other entity, whether or not that entity is set forth in the Complaint, and if so, state the correct complete name and address of that other entity.

ANSWER:

No

INTERROGATORY NO. 6:

At any time since 1953, has defendant Allied Chemical Corporation been a parent entity of any other entity, whether or not that entity is set forth in the Complaint, and if so, state the correct complete name and address of that other entity.

ANSWER:

Allied Chemical objects to any attempt by Plaintiff to list or categorize said entities on the grounds that such identification could lead to no further discoverable material.

Allied Chemical has been a parent entity to numerous other entities, none of which are relevant to this lawsuit.

SINDELL, LOWE
& GUIDUBALDI
Attorneys & Counselors at Law
910 Leader Building
Cleveland, Ohio 44114
216/781-8880

INTERROGATORY NO. 7:

Did defendant Allied Chemical Corporation (or any of its branches, divisions or subsidiaries, or any entities set forth in the answers to preceding Interrogatory Nos. 2, 3, 4, 5 or 6), manufacture, produce, supply, distribute and/or retail vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene at any time from 1953 to and including 1975?

ANSWER:

Yes

INTERROGATORY NO. 8:

If you are unable to answer preceding Interrogatory No. 7 either in the affirmative or negative, please explain with specificity all of the reasons why you are unable to answer in the affirmative or negative, and indicate with specificity the identity of all tangible sources and names and addresses of all persons and/or entities which you consulted in attempting to answer Interrogatory No. 7.

ANSWER:

Not applicable

SINDELL, LOWE
& GUIDUBALDI
Attorneys & Counselors at Law
910 Leader Building
Cleveland, Ohio 44114
216/781-8880

ASI 000019736

INTERROGATORY NO. 9:

If your answer to Interrogatory No. 7 is in the affirmative, then state the following:

a. The name and address of each entity, branch, division or subsidiary referred to in Interrogatory No. 7 which manufactured, produced, sold, supplied, distributed and/or retailed vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene at any time from 1953 to and including 1975;

b. With specific reference to each entity, branch, division or subsidiary referred to in part (a) of your answer to this Interrogatory, state separately for each one, the following:

i. The dates when vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene was manufactured, sold, supplied, distributed, retailed and/or transferred by such entity, branch, division or subsidiary;

ii. Whether at any time between 1953 to and including 1975, such aforementioned entity, branch, division or subsidiary supplied, sold, manufactured, distributed, retailed and/or transferred such vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene to defendant B. F. Goodrich Chemical Company and/or defendant B. F. Goodrich Company, including any of its branches, divisions or subsidiaries in the State of Ohio.

ANSWER: a) Allied Chemical's Industrial Chemicals Division at plants in Baton Rouge, Louisiana and Painesville, Ohio. The Painesville, Ohio plant was sold to Universal PVC Resins, Inc. in 1973.

b.i) Allied Chemical's Industrial Chemicals Division's activities with regard to certain of the listed chemicals began prior to 1968. Allied Chemical is unable to ascertain the date when such activities first began, nor whether such date preceded 1953.

b.ii) Yes

NDALL, LOWE
GUIDUBALDI
Attorneys at Law
3 Leader Building
Akron, Ohio 44314
216/781-8860

ASI 000019737

INTERROGATORY NO. 10:

If you are unable to answer preceding Interrogatory No. 9b(ii) in either the affirmative or negative, please explain with specificity all of the reasons why you are unable to answer in the affirmative or negative, and indicate with specificity the identity of all tangible sources and names and addresses of all persons and/or entities which you consulted in attempting to answer Interrogatory No. 9b(ii).

ANSWER:

Not applicable

INTERROGATORY NO. 11:

If your answer to preceding Interrogatory No. 9b(ii) is in the affirmative, for each entity, branch, division or subsidiary which manufactured, sold, supplied, distributed, retailed and/or transferred such vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene to or for defendant B. F. Goodrich Chemical Company and/or defendant B. F. Goodrich Company, state the following:

WDELL, LOWE
GUIDUBALDI
14 & Co. Secretary at Law
10000 Building
Cleveland, Ohio 44114
216/781-8880

ASI 000019738

- [REDACTED]
- a. The dates of such sale, supply, distribution, retail and/or transfer;
 - b. The specific B. F. Goodrich location to which there was a supply, sale, distribution, retail and/or transfer;
 - c. The quantities of each such aforementioned supply, sale, distribution, retail and/or transfer.

ANSWER:

Allied Chemical has been involved in numerous transactions with B. F. Goodrich Company and such records will be produced and made available at a time and place to be agreed upon by counsel.

NDALL, LOVE
GUIDUBALDI
Attorneys & Counselors at Law
2000 Lorain Building
Akron, Ohio 44314
216/781-8880

INTERROGATORY NO. 12:

If your answer to preceding Interrogatory No. 9b(ii) is in the affirmative, then for each entity, branch, division or subsidiary which supplied, sold, distributed, retailed and/or transferred vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene to defendant B. F. Goodrich Chemical Company and/or defendant B. F. Goodrich Company, state the following:

a. Between 1953 to and including 1975 was any vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene supplied, sold, distributed, retailed and/or transferred to the particular location of the B. F. Goodrich Chemical Company and/or the B. F. Goodrich Company at Avon Lake, Ohio;

b. If you are unable to answer preceding Interrogatory No. 12a in either the affirmative or negative, please explain with specificity all of the reasons why you are unable to answer in the affirmative or negative, and indicate with specificity the identity of all tangible sources and names and addresses of all persons and/or entities which you consulted in attempting to answer Interrogatory No. 12a;

c. If your answer to preceding Interrogatory No. 12a is in the affirmative, then for each supply, sale, distribution, retail and/or transfer of vinyl chloride, polyvinyl chloride, vinyl chloride monomer and/or chloroethylene, state the following:

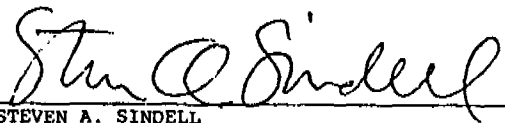
- i. The specific dates;
- ii. The quantities involved on each such date;
- iii. Whether there are in existence any records, invoices, documents, reports, bills of sale, memoranda, ledgers and/or any other tangible writings of any kind evidencing such aforementioned sale, supply, distribution, retail and/or transfer, and if so, state the name and address of the present custodian of same, a general description of the nature and identity of the

NDELL, LOWE
GUIDUBALDI
Attorneys at Law
3 Leader Building
Akron, Ohio 44314
216/781-6680

record, invoice, document, report, bill of sale, etcetera, and whether you will make same available to plaintiff for inspection and/or copying at plaintiff's expense without the necessity of plaintiff making a formal motion requiring you to produce same? (If you are willing to voluntarily make same available to plaintiff, please attach all such records, documents, invoices, reports, bills of sale, etcetera, to your answers to these Interrogatories.) (If you are not willing to voluntarily make available to plaintiff for inspection and/or copying such records, documents, invoices, reports, bills of sale, etcetera, please consider this a formal written request under Rule 34 of the Ohio Rules of Civil Procedure, for the production of same.)

ANSWER:

Allied Chemical has been involved in numerous transactions with B. F. Goodrich Company and will produce such relevant non-privileged records as are available at a time and place to be agreed upon by counsel. Allied Chemical objects to supplying the specific information requested on the grounds that it is unduly burdensome and that the burden of ascertaining such information from Allied Chemical's records is substantially equal for both parties.



STEVEN A. SINDELL
Sindell, Lowe & Guidubaldi
910 Leader Building
Cleveland, Ohio 44114
(216) 781-8880

Attorneys for Plaintiff

SINDELL, LOWE
GUIDUBALDI
Attorneys at Law
910 Leader Building
Cleveland, Ohio 44114
(216) 781-8880