

IL064.ASB
04/18/91

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF FORD

ANNA WOELLS, Individually and as	)	
Special Administrator for the	)	
Estate of Willie Woellms, deceased,	)	
Plaintiff,	)	
vs.	)	No. 89 L 29
ARMSTRONG WORLD INDUSTRIES,	)	
INC., et al.,	)	
Defendants.	)	

DEFENDANT, OWENS-ILLINOIS, INC'S ANSWERS TO
PLAINTIFFS' SECOND SET OF INTERROGATORIES TO
DEFENDANT, OWENS-ILLINOIS, INC.

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 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 of, or confirm the absence of, such documents and is also engaged in a continuing investigation into

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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 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 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.

Interrogatory No. 1. Have these interrogatories been answered fully and in good faith to the extent of the actual knowledge and information available to Defendant, OWENS-ILLINOIS, INC., its insurance carrier(s) and attorneys?

A. 1. Yes. This defendant states that it has referred to the relevant business records of Owens-Illinois Glass Company, Inc. in connection with the preparation of answers to these interrogatories unless otherwise indicated.

Interrogatory No. 2. For each of the jobsites listed on Exhibit A, state whether Defendant was employed at the jobsite as a contractor, general contractor, sub-contractor, or in any capacity, and for each jobsite at which Defendant was employed or present, state the date or dates of such activity.

A. 2. 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 plaintiff's employers during plaintiff's periods of employment. Further, this defendant has never formed nor maintained a group or groups known as "contract units," such "contract units" being a division or group within or maintained by the corporation which, inter alia, engaged in the actual installation of insulation products containing asbestos at job sites. Without waiving the above objection, this defendant has found no records indicating that it sold, distributed, or otherwise supplied insulation products containing asbestos to the jobsites listed in Exhibit A.

Interrogatory No. 3. For each jobsite listed in Interrogatory No. 2 for which Defendant answered affirmatively, state the following:

- (a) Name of the jobsite;
- (b) Individual or employee of Defendant who was highest ranking at the jobsite;
- (c) Whether Defendant used, or supplied for use by other individuals or contractors any products containing asbestos.
- (d) If the answer to subpart (c) is in the affirmative, state the name, type, trade name, amount, and dates of supply for each asbestos containing product.
- (e) Describe or attach the documents indicating such sale or shipment.

A. 3. Refer to objection and answer to Interrogatory No. 1.

Interrogatory No. 4. For each of the jobsites listed in Exhibit A, state whether Defendant, either directly to the jobsite, or by way of sale to a distributor, which to Defendant's knowledge, later supplied the products to the entities on the jobsite, ever supplied asbestos or asbestos-containing products of any type.

A. 4. 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 plaintiff's employers during plaintiff's periods of employment. This defendant has found no records indicating that it sold, distributed, or otherwise supplied

insulation products containing asbestos to the jobsites listed on Exhibit A.

Interrogatory No. 5. For each jobsite listed in Interrogatory No. 4 for which Defendant answered affirmatively, state the following:

(a) The name of the jobsites and dates of sale of asbestos-containing products by Defendant;

(b) The name of the buyer of the asbestos-containing products; for those products which were sold to a distributor;

(c) The name of the product, type of product, trade name of the product, and quantities of the products supplied to the job site including dates of supply to either the job site or distributor;

(d) Describe or attach the documents indicating such sale or shipment.

A. 5. Refer to objection and answer to Interrogatory No. 4.

Interrogatory No. 6. Did Defendant sell, ship, or deliver any asbestos-containing products to any of the contractors on Exhibit B at any time on or before January 1, 1987? If so, state the following:

(a) The type and quantity sold, shipped, or delivered;

(b) The date(s);

(c) Describe or attach the documents indicating such sale or shipment.

A. 6. 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 plaintiff's employers during plaintiff's periods of employment. This defendant has found no records indicating that it sold, distributed, or otherwise supplied insulation products containing asbestos to the contractors on Exhibit B.

Interrogatory No. 7. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to how or why the occurrence described in the Complaint took place.

A. 7. This defendant has not engaged in sufficient discovery to enable it to respond to this interrogatory. This defendant reserves the right to assert any allegations related to the subject matter of this interrogatory at any time in the future.

Interrogatory No. 8. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to the nature and extent of Plaintiff's injury.

A. 8. This defendant has not engaged in sufficient discovery to enable it to respond to this interrogatory. This defendant reserves the right to assert any allegations related to the subject matter of this interrogatory at any time in the future.

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 1st day of May, 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