

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, et al.,	::	CASE NO. CV96 01 0191
	::	
Plaintiffs,	::	
	::	
vs.	::	JUDGE GEORGE ELLIOTT
	::	
A-BEST PRODUCTS COMPANY, et al.,	::	
	::	
Defendants.	::	

**SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF'S MASTER SET OF
INTERROGATORIES PROPOUNDED TO DEFENDANT THE FLINTKOTE COMPANY**

Pursuant to the request of plaintiffs' counsel by letter dated September 5, 1997, Defendant, The Flintkote Company, hereby supplements certain of its supplemental answers to the interrogatories that follow.

INTERROGATORY NO. 16: Based upon the material contents of [raw asbestos fiber], the method of manufacturing, and the method of application, please state which [raw asbestos fiber] listed in Interrogatory No. 5 could be applied by a worker without creating dust.

RESPONSE:

Information related to Flintkote Mines, Ltd.: In light of plaintiff's modification to the text of the interrogatory itself, The Flintkote Company states that asbestos fiber is not "applied" as defined in this interrogatory. Rather, asbestos as a mineral is generally mixed with other substances so that it can be applied. To the extent that raw asbestos is mixed within a matrix that encapsulate the fiber, it can be applied without creating dust.

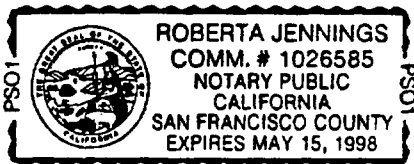
INTERROGATORY NO. 19: Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations,

CERTIFICATION

STATE OF CALIFORNIA)
)
) SS:
CITY AND COUNTY OF SAN FRANCISCO)

CHRISTINE M. HAMILTON, being duly sworn, deposes and says that she is Assistant Secretary for defendant THE FLINTKOTE COMPANY, a corporation; that she has read the *Second Supplemental Responses to Plaintiffs' Master Set of Interrogatories Propounded to Defendant, The Flintkote Company*, that said responses are not within the personal knowledge of the deponent; that the facts therein stated have been assembled by authorized employees and counsel of THE FLINTKOTE COMPANY and deponent is informed that the facts stated therein are true.

EXECUTED THIS 14th day of October, 1997, at San Francisco, California.



Christine M Hamilton
CHRISTINE M. HAMILTON

Sworn to and Subscribed before me
this 6 day of October, 1997.


NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE

10-6-97

**IN THE COURT OF COMMON PLEAS
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Plaintiffs,	)	
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vs.	)	JUDGE GEORGE ELLIOTT.
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	)	
A-BEST PRODUCTS COMPANY,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

**FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFFS' MASTER
SET OF INTERROGATORIES PROPOUNDED TO DEFENDANT
THE FLINTKOTE COMPANY**

Pursuant to Judge Elliott's Order resulting from the June 25, 1997 hearing on plaintiffs' motion to compel, Defendant, The Flintkote Company ("Flintkote"), supplements certain of its original answers to the interrogatories that follow.

In addition, The Flintkote Company is responding to the plaintiffs' master set of interrogatories with information concerning its subsidiary, Flintkote Mines, Ltd. Flintkote Mines, Ltd. is not a defendant in this case and is a corporate entity that is distinct from The Flintkote Company and subject to suit in its own right. Flintkote reserves the right to address this issue further with the Court.

All of the plants in which Flintkote manufactured asbestos-containing products were closed or sold at least a decade ago. The Flintkote Company has no current employees with personal knowledge of the subject areas covered in these interrogatories.

Further, Flintkote Mines, Ltd. closed its mining operations more than twenty-five years ago. Flintkote Mines, Ltd. continued as a small brokerage concern from 1972 to 1980, when its offices closed. As a result, the people with personal knowledge of mining operations have been out of Flintkote Mines, Ltd.'s employ for at least sixteen years, and in almost all instances, more than twenty-five. Neither The Flintkote Company nor Flintkote Mines, Ltd. has current employees with personal knowledge of the subject areas covered in these interrogatories. The Flintkote Company reserves the right to supplement, amend or clarify these responses as required by Rule 26 of the Ohio Rules of Civil Procedure.

Subject to the rulings made by Judge Elliott on June 25, 1997, Flintkote refers plaintiffs to the general and specific objections set forth in its original answers to interrogatories served on March 6, 1997 as well as all subsequent communications concerning those responses (see letter dated March 28, 1997 from Gary M. Glass to Steven D. Wolens), which are incorporated herein by reference. Preserving all rights and objections, The Flintkote Company supplements its answers as follows.

INTERROGATORIES

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.:

Christine M. Hamilton
Assistant Secretary of The Flintkote Company
2 Embarcadero Center
Suite 1600
San Francisco, CA 94111

Ms. Hamilton signs these responses to satisfy the Ohio Rules of Civil Procedure. Ms. Hamilton does not have direct knowledge regarding any specific responses but is

advised that corporate records and information obtained during interviews with former employees of The Flintkote Company and/or Flintkote Mines, Ltd. form the bases of these responses as of the date of signature. Ms. Hamilton has never been an employee, officer or director of Flintkote Mines, Ltd.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. is a Canadian corporation.

- (a) Flintkote Mines, Ltd.
- (b) Province of Quebec.
- (c) Flintkote Mines, Ltd.'s principal place of business:

c/o Richard Nadeau, Esq.
Belange, Sauve
1 Place Ville Marie
Suite 1700
Montreal, Quebec H3B 2C1
Canada

- (d) None.

INTERROGATORY NO. 3. Please describe Defendant's corporate history including any:

- (a) Mergers;
- (b) Consolidations;

(c) Asset purchases;

(d) Acquisitions; or

(e) Spinoffs.

RESPONSE:

Annual Reports of The Flintkote Company for the years 1924 through 1959 and 1970 through 1978 are too voluminous to attach as exhibits; however, these documents will be made available for inspection and/or copying at a mutually convenient time. Annual Reports for 1960-1969 already have been produced to counsel.

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. is a wholly-owned subsidiary of The Flintkote Company. It was incorporated under the laws of the Province of Quebec on January 3, 1945. Flintkote Mines, Ltd. was not involved in any mergers, consolidations, asset purchases, acquisitions or spinoffs.

INTERROGATORY NO. 4. Please state whether or not the 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 of each such corporation or entity;

(b) Date of acquisition;

(c) The nature of the company as it relates to asbestos.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 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, or Defendant's subsidiary);

(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).

(c) The time period during which each of these products were on the market;

(d) A description of the physical composition of each product;

(e) How each of these asbestos-containing product 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. never manufactured or sold asbestos-containing products. To the best of its knowledge, Flintkote Mines, Ltd. never sold or supplied asbestos fiber to the ARMCO/A.K. Steel plants in Middletown and/or Hamilton, Ohio.

(a) Flintkote Mines, Ltd.

(b)(1) None.

(b)(2) None.

(b)(3) Flintkote Mines, Ltd. mined and sold chrysotile asbestos fiber from 1946 through 1971. From 1972 to 1980, Flintkote Mines purchased asbestos from outside suppliers for resale to certain of The Flintkote Company's plants and to certain limited customers, who generally were located outside the United States.

(b)(4) Chrysotile asbestos was a whitish color in fibrous form.

(b)(5) The fiber from Flintkote Mines, Ltd. was primarily used as a reinforcing filler in encapsulated products.

(b)(6) Fiber was sold in 100 pound bags. From 1946 to approximately 1954, asbestos fiber was shipped in burlap bags. In 1954, pressure paper bags were used. Pressure packed plastic bags were introduced in the mid 1970's. The name "Flintkote Mines, Ltd., Product of Canada" was printed on the packaging, along with the grade number of fiber. In 1969, a warning was placed on bags of fiber. See Exhibit K.

(b)(7) Not applicable.

(b)(8) Chrysotile - 100%.

(c) See response to subpart (b)(3).

(d) See subpart (b)(8).

(e) Packaging.

(f) See response to subpart (b)(4).

(g) See response to subpart (b)(5).

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY 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.

RESPONSE:

See Flintkote's original response to this interrogatory, incorporated herein by reference. To the best of its knowledge, the following products were manufactured by Flintkote without asbestos, beginning in the early 1980's: Fiber Roof Coating, GF-8 Tile Cement, Hydro-Static Mastic, Levelkote, Plastic Cement, Rain Patch, Static Asphalt Fibrated, Thermalkote, Viskalt Flashing Cement, Skykote, and Aluminum Roof Coating. Each of these products was sold under the same name as the asbestos-containing product. To the best of its knowledge, Flintkote developed these substitutes because of OSHA standards relating to fiber exposure in the workplace, and not because of any perceived hazard of the product to the end-user, such as that which is allegedly at issue in this litigation.

In addition, Flintkote purchased and resold, but did not manufacture, asbestos-containing joint compound. The asbestos in joint compounds purchased and resold by

Flintkote was removed in 1976. To the best of Flintkote's knowledge, the change in the composition of joint compound produced and resold by Flintkote was due to OSHA regulations relating to asbestos.

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 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 address of Defendant's distributors in Ohio and Illinois since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you 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.

RESPONSE:

The Flintkote Company does not maintain a historical listing of companies that distributed Flintkote products. See Exhibit L for a list of known distributors in Ohio. To the best of its knowledge, information relating to names of persons at each distributorship with whom Flintkote dealt have not been retained.

Pursuant to Flintkote's record retention policy or practice, sales records generally are maintained for the years 1971 through 1984. Flintkote has conducted a search of these post-1970 sales records, and these records do not reflect the sale or shipment of asbestos-containing products to A.K. Steel or ARMCO.

In an effort to cooperate in the discovery process, Flintkote has searched its post-1970 sales records for information regarding sales to Flintkote's known Ohio distributors (as reflected in Exhibit L). To the extent the companies listed in Exhibit L were Flintkote distributors in the post-1970 time period, the sales to same are outlined in Exhibit M. Flintkote will stipulate to the authenticity of the information contained in Exhibit M.

Flintkote also has located certain invoices relating to sales of products prior to 1971. Flintkote has compiled several thousand invoices relating to the sale of products (not necessarily asbestos-containing) to the companies listed in Exhibit L. Again, these records do **not** reflect the sale or shipment of asbestos-containing products to A.K. Steel or ARMCO. These invoices will be made available for review at a mutually convenient time, upon notice from counsel for plaintiffs.

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. had no distributors in the United States. All shipments of asbestos were made F.O.B. Flintkote Mines, Ltd. in Thetford Mines, Quebec.

INTERROGATORY NO. 8.1. Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If you answer is "yes", please state the basis of your answer.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 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 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (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) Please identify all documents relating to the sales to each such company.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not applicable. See response to Interrogatory No. 8 and 8.1.

INTERROGATORY NO. 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, 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.

RESPONSE: See response to Interrogatory No. 8.

Information related to Flintkote Mines, Ltd.: Not applicable. Flintkote Mines, Ltd. had no distributors in Ohio.

INTERROGATORY NO. 8.4. Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

(a) The names and last known addresses of those people with such knowledge.

(b) The location of such records.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, 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; and

(d) Whether that person is still alive.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975? If so, please state:

(1) The dates of such contracts;

(2) The specific asbestos-containing products that were used in each contract.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. mined chrysotile asbestos in Thetford Mines, Quebec, Canada from 1946 through 1971.

INTERROGATORY NO. 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 dollars 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?

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. did not enter into a formal rebranding agreement or contract with regard to the purchase of its fiber for resale.

From 1972 to 1980, Flintkote Mines, Ltd. acted solely as a broker of chrysotile fiber. Virtually all of the fiber purchased by Flintkote Mines, Ltd. from other mines was resold to The Flintkote Company in the producers' bags during the 1972-1980 time period. A minimal amount of fiber was purchased during that time period for resale to other customers. Only a very small percentage of that fiber was sold to U.S. customers. It is uncertain, based on available information, as to whether this fiber was repackaged in Flintkote Mines, Ltd. bags. The Flintkote Company believes that Flintkote Mines, Ltd. purchased such fiber from other mining concerns in Quebec. To the best of its knowledge, these transactions were not conducted pursuant to any rebranding agreement.

INTERROGATORY NO. 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?

RESPONSE:

The specifications do not identify the numerous individual(s) who participated in the design and preparation of manufacturing specifications. To the best of its knowledge, Flintkote also has no records from which the information requested by plaintiffs can be determined. Many people were involved in the development of products through the years. John C. Schmitt, who retired from Flintkote in 1985 as its Product Safety Manager, has general

knowledge of the development of products through the years. Mr. Schmitt was deposed by Baron & Budd on this and related subjects on March 29, 1995.

Information related to Flintkote Mines, Ltd.: Not applicable.

INTERROGATORY NO. 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.)

RESPONSE:

See Exhibit B of Flintkote's March 6, 1997 responses. Also see John C. Schmitt's testimony of March 29, 1995. Generally, liquid products were sprayed, brushed, or applied with a trowel. Floor tile, asbestos-cement board, ceiling tile and asbestos-cement siding and roofing products occasionally were cut during normal usage. Asbestos-cement pipe and Orangeburg pipe were sawed during normal usage. None of these products required mixing on the job. Joint compound, which Flintkote purchased and resold, but did not manufacture, came in a powdered form, which was mixed with water, or a ready-mixed form. This product was applied with a trowel.

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd.'s chrysotile fiber was mixed with other ingredients (usually asphalt or vinyl resin based) to form a finished product.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not applicable.

INTERROGATORY NO. 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.

RESPONSE:

See Exhibit B of Flintkote's March 6, 1997 responses to plaintiffs' interrogatories for a list of over one hundred asbestos-containing products manufactured by The Flintkote Company over the course of nearly fifty years. Written specifications are available for certain of the asbestos-containing products manufactured by Flintkote. The components of Flintkote's asbestos-containing products varied due to raw material fluctuations, manufacturing locations, and customer demands and preferences. These specifications, which are extremely voluminous, are located in Cleveland, Ohio in the custody of Flintkote's counsel.

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY NO. 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 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY NO. 19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 herein above?

- (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.

RESPONSE:

See response to Interrogatory No. 24. Flintkote is also aware that routine quality control tests were conducted with respect to certain of its products.

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY NO. 20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 herein above? 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY 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 relabelled for distribution by you 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd. did not conduct studies of workers or other people using the asbestos which it mined.

INTERROGATORY NO. 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.

RESPONSE:

No. It is the position of The Flintkote Company that generally the asbestos contained in its products is fully encapsulated, and that respirable asbestos fibers are not released from these products.

Information related to Flintkote Mines, Ltd.:

See response to Interrogatory No. 22.

INTERROGATORY 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.

RESPONSE:

McCrone Laboratories conducted fiber release studies with respect to Thermalkote. Flintkote, through its membership in the Resilient Floor Covering Institute, participated in research conducted by the Stanford Research Institute on floor tile generally. Flintkote also is aware of fiber release studies conducted on Flintkote floor tile by the U.S. Navy. In addition, Flintkote floor tile also was tested by Dr. Lennard Wharton to determine the nature and extent of asbestos fibers released from this product under various circumstances. Dr. Wharton's tests were not, however, "conducted in the field". The McCrone and Wharton reports were prepared in connection with pending litigation and constitute work product materials.

Information related to Flintkote Mines, Ltd.: Not applicable. This interrogatory relates to finished products only.

INTERROGATORY 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.

RESPONSE:

See March 6, 1997 response to this interrogatory, incorporated herein by reference. Subject to the foregoing, Flintkote further acknowledges that its files contain a document dated December 6, 1956 which discuss the requirements of a Provincial Act for a miner's certificate for those persons working in dusty areas. Flintkote also is aware of an asbestos-related worker's compensation claim filed against its subsidiary, Flintkote Mines, Ltd., in approximately 1963. Flintkote further acknowledges that its files contain certain other documents dated from the mid to late 1960's which discuss the conflicting conclusions of scientific studies regarding the health effects of asbestos exposure. Warnings relating to asbestos were received by Flintkote on bags of raw fiber used at some of its manufacturing facilities beginning in 1969. Flintkote was aware of and made every effort to comply with OSHA regulations relating to occupational exposure to asbestos in its manufacturing facilities. OSHA regulations went into effect in the early 1970's, at which time the hazards of exposure to asbestos under certain circumstances became a matter of public record. Information in compliance with OSHA regulations was disseminated to Flintkote employees. To the extent such documents still exist, they are located in Cleveland, Ohio in the custody of Flintkote's counsel. Also see information relating to warnings placed on certain of Flintkote's asbestos-containing products previously provided to counsel previously provided to plaintiffs, as well as Exhibit L, attached hereto. For purposes of the pending cases, however, Flintkote states that generally the asbestos in its products is fully encapsulated and that respirable fibers are not released from these products. Flintkote denies that it obtained knowledge that its encapsulated products were hazardous to health because of their asbestos content.

Information related to Flintkote Mines, Ltd.: The Flintkote Company is unable to provide any particular date upon which Flintkote Mines, Ltd. first learned of allegations that asbestos is hazardous to health. See response above.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: See response to Interrogatory No. 25.

INTERROGATORY NO. 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.

RESPONSE:

To the best of its knowledge, The Flintkote Company did not employ, retain or "otherwise engage" physicians, industrial hygienists or other employees to engage in research, investigation or study concerning asbestos or asbestos-related diseases.

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd. did not employ, retain or "otherwise engage" physicians, industrial hygienists or other employees to engage in research, investigation or study concerning asbestos or asbestos-related diseases.

INTERROGATORY NO. 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.

RESPONSE:

The Flintkote Company did not have a medical advisor.

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd. did not engage anyone to serve in a "medical advisory capacity". Employees of Flintkote Mines, Ltd were referred to the Thetford Medical Clinic, which was run by Dr. Paul Cartier. Dr. Cartier was never an employee of Flintkote Mines, Ltd., and his current whereabouts are unknown.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. did not manufacture or use asbestos products and, thus, this interrogatory is not applicable. Further, Flintkote Mines, Ltd. did not employ a medical officer, industrial hygienist or medical consultant.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. did not have the "departments" enumerated in this interrogatory. To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd. did not subscribe to scientific and/or medical periodicals.

INTERROGATORY NO. 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.

RESPONSE: See response to Interrogatory No. 24.

Information related to Flintkote Mines, Ltd.: See response to Interrogatory No. 22.

INTERROGATORY NO. 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.

RESPONSE:

See Exhibit N; information as to the name of the person conducting the test and the date of the test are contained on the records themselves.

Information related to Flintkote Mines, Ltd.: Not applicable.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: The Flintkote Company has located no records which reflect the date when Flintkote Mines, Ltd. was first advised of these standards.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY 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.

RESPONSE :

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY NO. 36. When was Defendant first aware of reports 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")?

RESPONSE:

Information related to Flintkote Mines, Ltd.: The Flintkote Company has no knowledge of when Flintkote Mines, Ltd. became aware of this report.

INTERROGATORY NO. 37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by 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.

RESPONSE:

The Flintkote Company does not maintain an index of publications issued or written by trade associations of which it was a member. Flintkote is aware, however, that the Asbestos Information Association published "News and Notes".

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. was a member of the Quebec Asbestos Mining Association from 1946 - 1971. The current address of QAMA is unknown. Flintkote Mines did not maintain a listing or historical files of the publications issued or written by QAMA and, therefore, The Flintkote Company cannot respond to the remainder of this interrogatory..

INTERROGATORY NO. 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.

RESPONSE:

Flintkote believes that the trade associations of which it was a member generated minutes of its meetings, which may be available from the trade associations themselves.

Information related to Flintkote Mines, Ltd.: Unknown.

INTERROGATORY NO. 39. Please identify by name the technical and trade association periodicals to which the 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 withheld for publication.

RESPONSE:

To the best of its knowledge, Flintkote does not have information responsive to this interrogatory. Flintkote also has no knowledge as to whether any articles were withheld from publication in any periodicals.

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. does not maintain a listing or historical files of periodicals to which it subscribed. The Flintkote Company believes that Flintkote Mines, Ltd. subscribed to Asbestos magazine and The Asbestos Producer, but does not know the dates that these periodicals were received. To the best of Flintkote's knowledge, neither The Flintkote Company nor Flintkote Mines, Ltd. has any knowledge relating to whether articles were withheld from publication relating to the potential hazards of asbestos.

INTERROGATORY NO. 40. Please state whether, prior to 1975, the 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, Flintkote Mines, Ltd. attended QAMA meetings and conferences where the subject of occupational health and exposure to asbestos was discussed.

INTERROGATORY NO. 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, packaging 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Not to The Flintkote Company's knowledge, except as described in Interrogatory 5(b)(6).

INTERROGATORY NO. 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.

RESPONSE:

Flintkote prepared sales materials, including brochures and catalogues, for many of its products during the period of manufacture of those products as reflected in Exhibit B. This information is extremely voluminous. The identity of the persons in Flintkote's marketing department who would have prepared and disseminated those materials is not available. To best of Flintkote's knowledge, information which would identify the person(s) who prepared sales materials has not been retained. Sales materials, to the extent they still exist, are located in Cleveland, Ohio in the custody of Flintkote's counsel.

Information related to Flintkote Mines, Ltd.: See Exhibit O for materials located to date which are in the possession of counsel. To the best of The Flintkote Company's knowledge, Flintkote Mines Ltd.'s sales brochures were disseminated directly to potential consumers, and advertisements were placed as Asbestos magazine. After reasonable search and inquiry, The Flintkote Company has been unable to determine the identity of the person or entity who prepared sales materials for Flintkote Mines, Ltd, or the dates they were prepared.

INTERROGATORY NO. 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? 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 distributed to purchasers of the products in answer to Interrogatory No. 5.

RESPONSE:

Use and/or maintenance instructions were prepared for certain of Flintkote's asbestos-containing products. Instructions relating to asbestos already have been provided to counsel. See the description of warnings on certain of Flintkote's asbestos-containing products previously provided to counsel. See Exhibit I. Use instructions usually were located on the product label. Also see Exhibit P, "Recommended Work Procedures for Resilient Floor Coverings", issued by the Resilient Floor Covering Institute (of which Flintkote was a member) in 1980. To the best of its knowledge, information which would identify the person(s) who prepared these instructions has not been retained.

Information related to Flintkote Mines, Ltd.: Not to the knowledge of The Flintkote Company.

INTERROGATORY NO. 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.

RESPONSE: No.

Information regarding Flintkote Mines, Ltd.: Not applicable.

INTERROGATORY NO. 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.

RESPONSE:

Yes. Flintkote contends that in the course of manufacturing its products, chrysotile fiber and such ingredients as asphalt, resins and fillers are heated and pressurized to form a homogenous mixture which causes the resin to completely encapsulate the materials, including the asbestos fibers. The chemical bonding of the ingredients is so strong that it is virtually impossible to separate the resin from the fiber, resulting in a complete encapsulation of the asbestos fibers. Because the asbestos fibers within the products are encapsulated, they do not have the toxic potential of free, long asbestos fibers, such as may be released from friable asbestos materials. Even under extraordinary conditions, these products do not release respirable fibers because the asphalt coating renders the fibers or bundles too large and heavy to be inhaled. The fibers or bundles are readily cleared by the body's defense mechanisms and cannot initiate asbestos-related disease. Flintkote contends that persons working with or around, installing or applying asbestos-containing products manufactured by The Flintkote Company were not subjected to any health hazards associated with asbestos; therefore, asbestos-free substitutes were not developed on that basis.

(a) - (e) Based on the above response, not applicable.

Information regarding Flintkote Mines, Ltd.: Not applicable. Flintkote Mines, Ltd. was strictly a miner and seller of chrysotile asbestos fiber, and not a manufacturer or seller of finished asbestos products.

INTERROGATORY NO. 46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO A.K. Steel Hamilton Plant 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.

(c) Dates of each communication.

(d) Contents of each communication.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No. To the best of The Flintkote Company's knowledge, asbestos mined or sold by Flintkote Mines, Ltd. was never used at the ARMCO/A.K. Steel plants.

INTERROGATORY NO. 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 records pertaining to each such claim.

RESPONSE:

Information related to Flintkote Mines, Ltd.: To the best of The Flintkote Company's knowledge, the first asbestos-related workers compensation claim against Flintkote Mines, Ltd. was filed by Stanislas Beaudoin, Sr. in approximately 1963. The Quebec Workmens' Compensation Commission found that Mr. Beaudoin had asbestosis, and awarded him \$21,419.97 (Canadian). Upon Mr. Beaudoin's death, an autopsy demonstrated that his death could not medically be attributed to asbestosis, and the Commission stopped all payments.

The only other workers compensation claim against Flintkote Mines, Ltd. that The Flintkote Company is aware of that was filed before 1970 was that of Joseph Archer Nadeau. Mr. Nadeau filed a claim for asbestosis in November, 1967, and was awarded \$46.51 (Canadian) per month.

INTERROGATORY NO. 48. Did Defendant receive notice prior to 1968 that any person was claiming injury 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.

RESPONSE: •

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 49. Has Defendant obtained a statement from any witnesses including the 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No.

INTERROGATORY NO. 50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

RESPONSE:

Information related to Flintkote Mines, Ltd.: There is no allegation that any plaintiff used Flintkote Mines, Ltd. fiber.

INTERROGATORY NO. 51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed 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.

RESPONSE:

Information as to Flintkote Mines, Ltd.: Flintkote Mines Ltd. is not a party to these cases.

INTERROGATORY NO. 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.

RESPONSE:

See supplemental response to Interrogatory No. 45. Because of the encapsulated nature of its asbestos-containing products, Flintkote contends that respirators were not required when applying these encapsulated products. See, however, warning labels previously provided to counsel. To the best of its knowledge, Flintkote did not conduct tests with respect to the effectiveness of respirators; rather, it advised users to employ respirators designed to prevent inhalation of asbestos dust and fibers where appropriate, as recommended and approved by the U.S. Bureau of Mines.

Information related to Flintkote Mines, Ltd.: It is the position of Flintkote Mines, Ltd. that proper handling of fiber and the use of breathing devices prevent or minimize the inhalation or chrysotile fiber. The Flintkote Company is aware of three types of respirators issued to Flintkote Mines, Ltd. employees: Dustfoe No. 77, 3M Disposable Mask, and 3M Special Disposable Mask. Flintkote Mines, Ltd. has no information with respect to the efficacy of available respirators or other breathing devices.

INTERROGATORY NO. 53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, 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 sub-paragraph (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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No; Flintkote Mines, Ltd. is not a party to these cases.

INTERROGATORY NO. 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Neither The Flintkote Company nor Flintkote Mines, Ltd. has any current employees with knowledge about the facts of these cases. Also see response to Interrogatory No. 53.

INTERROGATORY NO. 55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

RESPONSE:

Information related to Flintkote Mines, Ltd.: No; Flintkote Mines, Ltd. is not a party to these cases.

INTERROGATORY NO. 56. Does Defendant have policies of insurance that might cover the claims that have been made by the 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.

RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. is not a party to these cases.

INTERROGATORY NO. 57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

RESPONSE: The Flintkote Company has no current employees with knowledge of the issues of this lawsuit. In accordance with Judge Elliott's ruling on June 25, 1997, Flintkote identifies John C. Schmitt, who retired from Flintkote in 1985 as Flintkote's Product Safety Manager, as the person with general knowledge of Flintkote's asbestos-containing products and safety issues.

Information related to Flintkote Mines, Ltd.: Flintkote Mines Ltd. is not a party to these cases. See response above.

INTERROGATORY NO. 58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

CERTIFICATION

STATE OF CALIFORNIA)
) SS:
CITY AND COUNTY OF SAN FRANCISCO)

CHRISTINE M. HAMILTON, being duly sworn, deposes and says that she is Assistant Secretary for defendant THE FLINTKOTE COMPANY, a corporation; that she has read the *First Supplemental Responses to Plaintiffs' Master Set of Interrogatories Propounded to Defendant, The Flintkote Company*, that said responses are not within the personal knowledge of the deponent; that the facts therein stated have been assembled by authorized employees and counsel of THE FLINTKOTE COMPANY and deponent is informed that the facts stated therein are true.

EXECUTED THIS 31st day of July, 1997, at San Francisco, California.

Christine M. Hamilton
CHRISTINE M. HAMILTON

Sworn to and Subscribed before me
this 31st day of July, 1997.

Nancy S. Jong
NOTARY PUBLIC IN AND FOR SAID.
COUNTY AND STATE



RESPONSE:

Information related to Flintkote Mines, Ltd.: Flintkote Mines, Ltd. did not sell, distribute, manufacture, install, and/or otherwise place asbestos-containing products into the stream of commerce. See response to Interrogatory No. 5 for information relating to the business of Flintkote Mines, Ltd.



Barbara J. Arison (No. 0018554)

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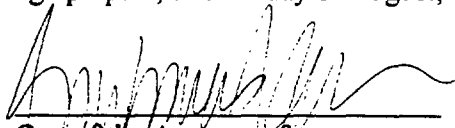
(513) 352-6700

Attorneys for Defendant

The Flintkote Company

CERTIFICATE OF SERVICE

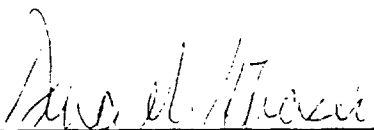
A copy of the First Supplemental Responses to Plaintiffs' Master Interrogatories Propounded to Defendant, The Flintkote Company was served upon Bruce Carter, Esq., Baron & Budd, 43-B New Garver Road, Monroe, Ohio 45050, counsel for plaintiffs, by regular U.S. mail, postage prepaid, this 1st day of August, 1997.



One of the Attorneys for
Defendant, The Flintkote Company

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Attorneys for:
W.R. Grace & Co.



One of the Attorneys for
Defendant, The Flintkote Company

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, et al.	)	CASE NO. CV96 01 0191
	)	(Hon. George Elliott)
Plaintiffs,	)	
	)	
vs.	)	
	)	
	)	
A-BEST PRODUCTS COMPANY,	)	
et al.	)	
	)	
Defendants.	)	
	)	

RESPONSES TO PLAINTIFFS' MASTER SET OF INTERROGATORIES
PROPOUNDED TO
DEFENDANT THE FLINTKOTE COMPANY

I. GENERAL OBJECTIONS

1. Defendant, The Flintkote Company ("Flintkote") objects to the interrogatories that follow because they are premature and oppressive. To request that Flintkote produce detailed information concerning its entire product line, as well as extensive corporate information over a period of 75 plus years is unduly burdensome. Further, these interrogatories call for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, absent any information whatsoever that plaintiffs used or were exposed to any Flintkote asbestos-containing products at the ARMCO/A.K. Steel plants in Middletown and/or Hamilton, Ohio (or elsewhere).

2. Flintkote objects generally to plaintiffs' definition of "defendant" as being overbroad, not reasonably calculated to lead to the discovery of admissible evidence, and rendering the interrogatories propounded incapable of precise answer. Responses are made on behalf of The Flintkote Company and its divisions that manufactured and sold asbestos-containing products.

3. Flintkote objects to each of plaintiffs' interrogatories to the extent that the time periods referenced therein concerning any alleged act or omission of The Flintkote Company are not limited to the period of plaintiffs' alleged exposure to asbestos-containing products at the ARMCO/A.K. Steel plants.

4. Flintkote objects to plaintiffs' interrogatories to the extent they seek disclosures of information generated by persons other than Flintkote (including its attorneys and insurance carriers) that has come into the possession of Flintkote's counsel during the course of discovery and trial preparations in asbestos-related litigation, or which is otherwise protected from disclosure by the attorney-client privilege and/or is protected by the work product doctrine.

5. Flintkote objects to plaintiffs' interrogatories to the extent they seek information that is not within the personal knowledge of its current employees. All of the plants in which Flintkote manufactured asbestos-containing products have been closed or sold. All of the persons with personal knowledge of the events related to the production and sale of such materials are no longer in Flintkote's employ.

In an effort to overcome these limitations, Flintkote's counsel has conducted a reasonable search of records and inquiry of available persons. Flintkote has responded in good faith to these interrogatories based on available information. Because of these limitations on Flintkote's information, the responses that follow are based only on the information and belief of the person verifying these responses. The statements contained in these responses, therefore, are not and cannot be deemed admissible evidence under the Rules of Evidence as nonhearsay facts asserted by a party with first-hand knowledge. Flintkote continues to investigate issues relevant to this lawsuit and reserves the right to introduce additional evidence at trial which is produced in the course of its further investigation or review of information.

6. Flintkote objects to plaintiffs' interrogatories because they impermissibly seek to shift to this defendant the plaintiffs' burden of identifying the products at issue and the manufacturers of such products.

7. Flintkote objects to the interrogatories that follow to the extent they seek to require Flintkote to gather and summarize information contained in voluminous papers that are already a matter of public record, or to otherwise provide information which is equally available to the plaintiffs as to Flintkote.

8. Flintkote objects to plaintiffs' interrogatories to the extent they seek information relating to sales of asbestos-containing products by Flintkote to any entity or entities other than those specifically identified by plaintiffs as having been in the chain of distribution of an asbestos-containing product from Flintkote to the ARMCO/AK Steel Middletown, Ohio plant and/or ARMCO/A.K. Steel Hamilton plant (hereinafter known as "ARMCO/A.K. Steel"). As a manufacturer and seller only, Flintkote had no discretion to determine the method and manner of use of its asbestos-containing products, nor does it have any knowledge of whether any asbestos-containing product was resold by any entity to the plaintiffs and/or plaintiffs' employers. Such information, if any, and if discoverable at all, must come from the plaintiffs.

9. Flintkote objects to plaintiffs' interrogatories to the extent they improperly call for a legal, medical or scientific opinion or conclusion that Flintkote is not qualified to render.

10. Flintkote objects to plaintiffs' interrogatories to the extent they seek information relating to Flintkote employees and/or manufacturing facilities, which are not the subject of this litigation. See, e.g., Lohrman v. Pittsburgh-Corning Corp., 782 F.2d 1156 (4th Cir. 1986); Martin v. Johns-Manville Corp., 508 Pa. 154, 175, 494 A.2d 1088, 1099 (1985); Wesley Theological Seminary of the United States Methodist Church v. U.S. Gypsum Co., 876 F.2d 119 (D.C. Cir. 1989).

11. Flintkote objects to these interrogatories to the extent they seek to impose a greater burden on this defendant than is called for by the Ohio Rules of Civil Procedure.

12. Flintkote objects to plaintiffs' definition of "test" and "testing" as they are vague and overbroad.

Without waiver of any of the foregoing objections, which are incorporated by reference in each of the following responses, Defendant states as follows:

II. INTERROGATORIES

CORPORATE NAME

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence. Flintkote further objects to the extent it seeks disclosure of counsel and persons retained by counsel in connection with pending litigation. Without waiving any objections:

Christine M. Hamilton
Assistant Secretary of The Flintkote Company
2 Embarcadero Center
Suite 1600
San Francisco, CA 94111

Ms. Hamilton signs these responses solely to satisfy the Ohio rules of civil procedure. Ms. Hamilton does not have direct knowledge regarding any specific responses but is advised that corporate records and information obtained during interviews with former employees of The Flintkote Company form the bases of these responses as of the date of signature. If information is later obtained which changes, modifies or enlarges any of the following responses, such information will be relayed to the parties submitting these interrogatories.

INTERROGATORY NO. 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.

RESPONSE:

The Flintkote Company is a corporation.

(a) The Flintkote Company.

(b) Delaware; originally incorporated in Massachusetts through its predecessor corporation.

(c) - (d) The Flintkote Company's principal place of business (through which service of process can be made):

2 Embarcadero Center
Suite 1600
San Francisco, CA 94111

INTERROGATORY NO. 3. Please describe Defendant's corporate history including any:

- (a) Mergers;
- (b) Consolidations;
- (c) Asset purchases;
- (d) Acquisitions; or
- (e) Spinoffs.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objections No. 1 and 7, incorporated herein by reference.

INTERROGATORY NO. 4. Please state whether or not the 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:

- entity; (a) The name of each such corporation or
- (b) Date of acquisition;
- (c) The nature of the company as it relates to asbestos.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, see Exhibit A.

EVER SELL ASBESTOS

INTERROGATORY NO. 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, or Defendant's subsidiary);

(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).

(c) The time period during which each of these products were on the market;

(d) A description of the physical composition of each product;

(e) How each of these asbestos-containing product 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Also see General Objection No. 1, incorporated herein by reference.

Without waiving any objections, The Flintkote Company did not mine or mill asbestos. Further, Flintkote did not install asbestos-containing products. Flintkote manufactured and/or sold certain products that contained asbestos. Generally, the asbestos contained in these products was encapsulated; thus, asbestos fibers were not released from these products into the ambient air. See Exhibit B for a list of asbestos-containing products manufactured and/or sold by Flintkote, their synonymous names, the years of manufacture and sale, the asbestos content, and a description of the application and/or use of each product. All

of Flintkote's asbestos-containing products contained chrysotile fiber, with the exception of asbestos-cement pipe, which contained a blend of chrysotile and crocidolite fiber. For any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide additional, relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: To the best of its knowledge, Flintkote did not hold any patents with respect to its asbestos-containing products.

INTERROGATORY 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any objections, the specifications for Flintkote's asbestos-containing products were altered frequently due to raw material availability, customer specifications, etc. For any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide additional, relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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 address of Defendant's distributors in Ohio and Illinois since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any objections, see Exhibit C for a list of products sold by Flintkote to other companies for resale.

INTERROGATORY NO. 8.1. Does Defendant have reason

to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If your answer is "yes", please state the basis of your answer.

RESPONSE: No. A review of Flintkote's records did not reflect the sale or shipment of asbestos-containing products to the ARMCO/A.K. Steel plants.

INTERROGATORY NO. 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 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (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) Please identify all documents relating to the sales to each such company.

RESPONSE: Objection. See General Objection No. 8, incorporated herein by reference. Without waiving any objections, Flintkote is not aware of any company or business that marketed Flintkote's asbestos-containing products to the ARMCO/A.K. Steel plants.

INTERROGATORY NO. 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote states that for any specific entity(ies) identified as having supplied Flintkote's asbestos-containing products to the ARMCO/A.K. Steel plants, Flintkote will search its records to determine if that entity was a distributor of Flintkote products, upon notice from counsel for plaintiffs.

INTERROGATORY NO. 8.4. Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

RESPONSE: Not to its knowledge.

INTERROGATORY 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, 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; and

(d) Whether that person is still alive.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any objections, Flintkote states that to the best of its knowledge, no sales calls were made by Flintkote representatives to the ARMCO/A.K. Steel plants. Flintkote has no information with regard to outside distributors.

INTERROGATORY NO. 10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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 ARMCO/A.K. Steel Middletown

Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975? If so, please state:

- (1) The dates of such contracts;
- (2) The specific asbestos-containing products that were used in each contract.

RESPONSE: No.

INTERROGATORY NO. 11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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.

RESPONSE: No.

INTERROGATORY 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide additional, relevant information concerning that product (if any), upon notice from counsel for plaintiffs. Also see Exhibit B.

INTERROGATORY NO. 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 dollars 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?

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, see response to Interrogatory No. 8. Flintkote further states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide additional, relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INFORMATION ABOUT DESIGN/TESTING

INTERROGATORY NO. 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?

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.)

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Also see General Objection No. 1, incorporated herein by reference. Without waiving any objections, see Exhibit B. Flintkote further states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide additional relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is vague. Flintkote further objects to this interrogatory to the extent it calls for expert opinion in areas where Flintkote claims no expertise. Without waiving any objections, Flintkote contends that because the asbestos contained in virtually all of its asbestos-containing products is encapsulated, and that respirable asbestos fibers are not released from these products into the air.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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 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.

RESPONSE: Objection. The term "tests" is vague. Without waiving any objections, Flintkote states that it did not conduct medical studies with respect to asbestos. It is the position of The Flintkote Company that the asbestos contained in virtually all of its products is encapsulated, and that respirable asbestos fibers are not released from these products into the air.

INTERROGATORY NO. 19. Does Defendant have or

control any documents, including but not limited to, written memoranda, specifications, recommendations, 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 20. Were any design changes or modifications 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.

RESPONSE: Not applicable. See response to Interrogatory No. 18.

INTERROGATORY 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.

RESPONSE: Objection. The term "tests" is vague. Without waiving any objections, Flintkote states that it did not conduct medical studies with respect to asbestos. It is the position of The Flintkote Company that the asbestos contained in its products is encapsulated, and that respirable asbestos fibers are not released from these products into the air.

INTERROGATORY 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 relabelled for distribution by you 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.

RESPONSE: Objection. This interrogatory is vague. Without waiving any objections, Flintkote states that it did not conduct medical studies with respect to asbestos. It is the position of The Flintkote Company that the asbestos contained in its products is encapsulated, and that respirable asbestos fibers are not released from these products into the air.

INFORMATION ABOUT SAFETY

INTERROGATORY NO. 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.

RESPONSE: Objection. The term "studies" is vague. Without waiving any objections, Flintkote states that it did not conduct medical studies with respect to asbestos. It is the position of The Flintkote Company that the asbestos contained in its products is encapsulated, and that respirable asbestos fibers are not released from these products into the air.

INTERROGATORY 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, and seeks expert opinion in specialized areas where Flintkote claims no expertise. Flintkote also objects to this interrogatory because it reduces a very complex issue to oversimplified terms. Further, this interrogatory as worded fails to consider several critical variables which may be factors in the development of asbestos-related disease. This interrogatory also is objectionable to the extent it seeks information concerning exposure to raw asbestos in manufacturing settings, as opposed to the end-user scenario as is at issue in this case.

Without waiving any objections, Flintkote states that whatever information it has obtained over the years relating to asbestos-related disease has dealt almost exclusively with different fiber types or sizes than that used by Flintkote. Further, the information dealt with heavy, long-term occupational exposures at levels thousands of times greater than those conceivably attributable to Flintkote's asbestos-containing products.

The Flintkote Company is unable to provide any particular date when it first learned of the allegations that asbestos is hazardous to health. It is the position of The Flintkote Company that generally, the asbestos contained in its products is encapsulated; therefore, respirable asbestos fibers are not released from those products into the ambient air. Further, it is the position of The Flintkote Company that its asbestos-containing products are not the proximate cause of any health problems.

INTERROGATORY NO. 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.

RESPONSE: Objection. See response to Interrogatory No. 25, incorporated herein by reference.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such information relates only to Flintkote's manufacturing facilities and/or employees, which are not the subject of this litigation.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such information relates only to Flintkote's manufacturing facilities and/or employees, which are not the subject of this litigation.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such information relates only to Flintkote's manufacturing facilities and/or employees, which are not the subject of this litigation. Without waiving any objections, no such "recommendations and/or suggestions" were made to defendant with respect to the use of Flintkote's asbestos-containing products.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: Objection. See response to Interrogatory No. 31.

INTERROGATORY NO. 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.

RESPONSE: Although Flintkote is generally aware of threshold limit values and maximum allowable concentrations, Flintkote has located no records reflecting the date of first knowledge of these standards. Flintkote believes it became aware of these standards at or near the time they were promulgated.

INTERROGATORY NO. 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.

RESPONSE: The Flintkote Company does not maintain a library, per se. Flintkote's counsel, in connection with pending litigation, has collected various research materials relating to asbestos, the contents of which are not subject to disclosure.

INTERROGATORY 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.

RESPONSE: Not to its knowledge.

INTERROGATORY NO. 36. When was Defendant first aware of reports 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")?

RESPONSE: To the best of its knowledge, Flintkote became aware of such reports only in connection with pending litigation since 1972.

INTERROGATORY NO. 37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, see Exhibit D for a list of trade organizations of which Flintkote was a member.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Flintkote further objects to this interrogatory to the extent it seeks information that is equally available to plaintiffs as to Flintkote.

INTERROGATORY NO. 39. Please identify by name the technical and trade association periodicals to which the 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 withheld for publication.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote does not maintain a historical listing of periodicals it subscribed to over the years. For any particular periodical identified by plaintiffs, Flintkote will search its records to determine if it was a subscriber, upon notice from counsel for plaintiffs. Flintkote has no knowledge of what, if any, articles were withheld from publication in any periodicals.

INTERROGATORY NO. 40. Please state whether, prior to 1975, the 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Flintkote further objects to this interrogatory to the extent it relates to Flintkote's manufacturing facilities and/or employees, which are not the subject of this litigation.

WARNINGS/SALES PROMOTION

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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? 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 distributed to purchasers of the products in answer to Interrogatory No. 5.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome, and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. See General Objection No. 1, incorporated herein by reference. Without waiving any objections, Flintkote states that for any specific Flintkote asbestos-containing product(s) to which any plaintiff claims he was exposed, Flintkote will attempt to provide relevant information concerning that product (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Flintkote further objects to this interrogatory to the extent it calls for expert opinion that Flintkote is not qualified to render, and because it assumes that asbestos is hazardous. Without waiving any objections, Flintkote contends generally that the chrysotile asbestos contained in virtually all of its products was encapsulated; therefore, asbestos fibers were not released from these products into the ambient air. For any specific Flintkote asbestos-containing product(s) to which any plaintiff contends he was exposed, Flintkote will attempt to provide additional, relevant information (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO A.K. Steel Hamilton Plant 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.

(c) Dates of each communication.

(d) Contents of each communication.

RESPONSE: Objection. This interrogatory improperly assumes there is a potential health hazard associated with Flintkote's asbestos-containing products. Without waiving any objections, it is the position of The Flintkote Company that generally, the asbestos contained in its products is encapsulated; therefore, respirable asbestos fibers are not released from those products into the ambient air. Flintkote further states that to the best of its knowledge, Flintkote's asbestos-containing products were not used at the ARMCO/A.K. Steel plants.

KNOWLEDGE OF PREVIOUS INJURIES

INTERROGATORY NO. 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 records pertaining to each such claim.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such information relates only to Flintkote's employees, who are not the subject of this litigation. Without waiving any objections, Flintkote states that to the best of its knowledge, it did not receive asbestos-related workers' compensation claims at any time prior to 1970.

INTERROGATORY NO. 48. Did Defendant receive notice prior to 1968 that any person was claiming injury 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.

RESPONSE: No.

PLAINTIFF/DECEDENT

INTERROGATORY NO. 49. Has Defendant obtained statement from any witnesses including the 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.

RESPONSE: Objection. Flintkote objects to this interrogatory to the extent it seeks information that is protected from disclosure by the attorney-client privilege and/or the work product doctrine. Without waiving any objections, Flintkote has not yet obtained statements from any witnesses.

INTERROGATORY NO. 50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

RESPONSE: Flintkote contends that plaintiff did not use Flintkote's asbestos-containing products, and/or that plaintiff was not exposed to asbestos from Flintkote's products. Investigation continues.

INTERROGATORY No. 51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed 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.

RESPONSE: Flintkote does not have sufficient information to formulate a response to this interrogatory at this time.

RESPIRATORS

INTERROGATORY NO. 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.

RESPONSE: Objection. This interrogatory is overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving any objections, Flintkote contends generally that the chrysotile asbestos contained in virtually all of its products was encapsulated; therefore, asbestos fibers were not released from these products into the ambient air. For any specific Flintkote asbestos-containing product(s) to which any plaintiff contends he was exposed, Flintkote will attempt to provide additional, relevant information (if any), upon notice from counsel for plaintiffs.

INTERROGATORY NO. 53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, 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, treatises, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (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.

RESPONSE: The identity of expert witnesses to be called by The Flintkote Company at the time of trial has not yet been determined. This information will be provided in accordance with the Court's Case Management Order.

INTERROGATORY NO. 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.

RESPONSE: The Flintkote Company has no current employees with knowledge about the facts of this case. Also see response to Interrogatory No. 53.

INTERROGATORY NO. 55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

RESPONSE: Yes.

INTERROGATORY NO. 56. Does Defendant have policies of insurance that might cover the claims that have been made by the 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.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any objections, Flintkote believes that its various policies of insurance cover the allegations contained in plaintiffs' complaint. See Exhibit E for insurance information.

INTERROGATORY NO. 57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

RESPONSE: Objection. Flintkote objects to this interrogatory to the extent it seeks information that is protected from disclosure by the attorney-client privilege and/or the work product doctrine. Without waiving any objections, relevant, non-privileged will be provided to plaintiffs' counsel in accordance with the Court's Case Management Order.

INTERROGATORY NO. 58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

RESPONSE: See Exhibit B. Flintkote stopped manufacturing asbestos-containing products in May, 1982, and

CERTIFICATE OF SERVICE

A copy of the Responses to Plaintiffs' Master Interrogatories Propounded to Defendant The Flintkote Company was served upon Steven D. Wolens, Esq., Baron & Budd, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219-4281, and Andrew S. Lipton, Manley, Burke, Lipton & Cook, 225 West Court Street, Cincinnati, Ohio 45202, counsel for plaintiffs, by regular U.S. mail, postage prepaid, this 1st day of March, 1997. In addition, the following defense counsel were notified of service that same day:

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Attorneys for:
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stopped selling asbestos-containing products in 1984.

As To Objections:

Dena M. Kobasic

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Dena M. Kobasic	(No. 0042191)
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Attorneys for Defendant
The Flintkote Company

C E R T I F I C A T I O N

STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

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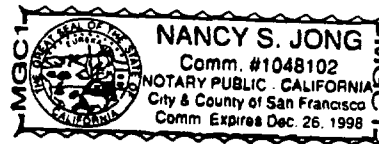
CHRISTINE M. HAMILTON, being duly sworn, deposes and says that she is Assistant Secretary for defendant THE FLINTKOTE COMPANY, a corporation; that she has read Responses to Plaintiffs' Master Set of Interrogatories Propounded to Defendant The Flintkote Company; that said responses are not within the personal knowledge of the deponent; that the facts therein stated have been assembled by authorized employees and counsel of The Flintkote Company and deponent is informed that the facts therein stated are true.

EXECUTED this 20th day of February, 1997, at San Francisco, California.

Christine M Hamilton
CHRISTINE M. HAMILTON

Sworn to and subscribed before me
this 20th day of February, 1997.

Nancy S. Jong
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE



REC'D FEB 20 1997

FLINTKOTE