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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

CLARENCE K. KING, Executor of the)
Estate of CLARENCE O. KING, deceased,)
and NANCY A. KING,)

vs.)

NO. IP90-1547C

ARMSTRONG WORLD INDUSTRIES,)
INC.)

ASBESTOS CASE

**W.R. GRACE & CO. - CONN.'S RESPONSES AND OBJECTIONS
TO REQUESTS FOR PRODUCTION TO W.R. GRACE**

GENERAL OBJECTIONS

W. R. Grace & Co.-Conn., formerly known as W. R. Grace & Co. ("Grace-Conn"), incorporates by reference its General Objections to its Answers and Objections to Interrogatories to W. R. Grace as if set forth in full herein.

REQUESTS

REQUEST 1

Please produce and provide to plaintiff's counsel any and all documents concerning the relationship between W.R. Grace and/or any employee or board member of Grace including, but not limited to Peter Grace, or Dr. Graf and Dr. Otto Ambros including but not limited to:

- A. Any payments stubs or other documents regarding compensation paid to Dr. Ambros from Grace or Zonolite or Henry or other division of Grace from 1951 to 1990.
- B. Any information on life, disability or health insurance provided for Dr. Ambros by Grace or a subsidiary from 1951 to 1990.

- C. Any files containing information on Otto Ambros, including but not limited to:
1. Files of Peter Grace, including but not limited to correspondence between Peter Grace and the United States Government State Department or Immigration and Naturalization Division regarding Ambros.
 2. Files of Dr. Graf including but not limited to the files Dr. Graf mentioned in his deposition on January 20, 1997, page 90, lines 3-17 in the case of the Port Authority of New York v. Allied Signal, et al.
- D. Any and all correspondence between Grace or one of its divisions or agents and Dr. Ambros including but not limited to:
1. Any correspondence between Dr. Ambros and any European division of W.R. Grace.
 2. Any correspondence to or from W.R. Grace and to or from Ambros from any United States or any other subdivision of W.R. Grace, not limited to the Construction Products Division.
- E. Any and all memos, letters, and/or documents of any Grace division regarding Dr. Ambros.
- F. Any and all documents relating to Peter Grace's visits to Dr. Ambros in prison including but not limited to:
1. Airline receipts.
 2. Hotel bills.
- G. Any and all records and correspondence between W.R. Grace and public relations firms regarding Dr. Ambros.
- H. Any names of individuals who worked for any division of W.R. Grace in any country, and who consulted with Otto Ambros.
- I. Any and all information regarding consultations with Ambros with respect to substitutes for Asbestos, including but not limited to, cellulose and polystyrene.

RESPONSE 1

A-I. Grace-Conn objects that these requests pertaining to Otto Ambros -- a chemist who was one of several I.G. Farben officials convicted of war crimes after World War II and who later consulted for several companies after serving his prison term -- are irrelevant to the subject matter of this litigation and, thus, are not, in any respect, reasonably calculated to lead to the discovery of admissible evidence. Upon information and belief, these requests are made, not in furtherance of any legitimate purpose in this litigation, but solely to harass Grace-Conn and to further the crusade of plaintiffs' listed expert, David S. Egilman, as a self-proclaimed expert on moral rights. In that regard, these requests presume "facts" that plaintiffs have no good faith basis to think are true. (For example, request 1F presumes that Peter Grace visited Otto Ambros in prison -- a fact Dr. Egilman has testified he has no evidence to support other than his own speculation that such visits "probably occurred.") The harassing nature of the request is also reflected in their overbreadth and the undue burden and expense a response would require. For example, the requests are not limited to any asbestos-related consulting. They seek all documents pertaining to Ambros from all divisions of the company without any subject matter or time limitations (1C, D, and E); they seek documents containing the most minute and cumulative details of compensation (1A, B) and travel arrangements (1F1-2). Request 1H, in addition to being overly broad, is not a proper request under Rule 34.

Without waiving or in any limiting these objections or the General Objections interposed above, Grace-Conn will produce, relevant, non-privileged documents to plaintiffs' counsel in Boston, Massachusetts at a mutually agreeable time.

REQUEST 2

Any and all documents, records, invoices or other paper concerning sales or indicating that W.R. Grace sold any product to any division of I.G. Farben from 1930 to the present.

RESPONSE 2

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. See further Response 1, above.

REQUEST 3

Any and all documents, records, invoices or any papers regarding the shipment of materials on the Grace line from anywhere in South America to any I.G. Farben subsidiary in Germany, France, or Portland (sic), or any other country from 1930 to the present.

RESPONSE 3

See Response 2, above. Grace-Conn further objects on the grounds that the reference to "the Grace line" is vague and ambiguous.

REQUEST 4

Any and all documents, records, invoices or other papers regarding sale of raw asbestos fiber in the United States to Europe, or any other subdivision, including but not limited to:

- A. Sales of Calidria by W.R. Grace in Germany or any other country.
- B. Sale of raw asbestos fiber by CPD in the United States.

RESPONSE 4

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Raw fiber sales are not relevant to the subject matter of this litigation. Sales of Calidria -- a special use fiber -- in Germany and other countries are certainly not relevant. In any event, the request for "all documents, records, invoices or other papers" regarding such sales is unduly burdensome. Grace-Conn further objects that the reference to "in the United States to Europe, or any other subdivision" is incomprehensible.

*discovery
request
incomprehensible*

REQUEST 5

As to sales of raw asbestos fiber in the United States or any other country, please produce:

- A. Any sale receipts or any such products.
- B. The nature of the products sold, including information on whether or not they contained a warning label.
- C. Any warning information that may have accompanied the raw asbestos fiber that was sold.

- D. Any information on W.R. Grace's purchase of raw asbestos fiber prior to sale.

RESPONSE 5

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff does not allege any exposure by decedent worker to any raw asbestos fiber allegedly sold by Grace-Conn, and such sales, especially sales in other countries, are not otherwise relevant to the subject matter of this litigation. In addition, Request 5A for all sales receipts for all fiber sales is unduly burdensome, Request 5B is not a proper request under Rule 34, and Request 5D for all information concerning Grace-Conn fiber purchases is unduly burdensome.

REQUEST 6

All material relating to Zonolite kept in the possession of Earl Lovick, specifically but not limited to the boxes of photographs of the Libby, Montana operations not placed in the document repository in Boston.

RESPONSE 6

Subject to the General Objections interposed above, relevant, non-privileged, non-trade secret documents responsive to this request will be produced to plaintiffs' counsel in Boston, Massachusetts at a mutually agreeable time.

REQUEST 7

Date and time a representative of plaintiff's law firm may review the 400 boxes of material relating to the Libby, Montana operations of Grace located on West Thomas Street in Libby mentioned by Marrazzo (sic) on March 5, 1996 in a deposition in Hurlburt (sic).

RESPONSE 7

Grace-Conn is unable to respond to this request because there have never been any such number of boxes on West Thomas Street in Libby, as evidenced by Marozzo. The questioner has misread Mr. Marozzo's deposition transcript.

REQUEST 8

Any information on the location of documents of sales, the exact distribution of sales, and/or customer lists for purchases of asbestos fiber from W.R. Grace.

RESPONSE 8

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence and such purchases are not otherwise relevant to the subject matter of this litigation. Further, the request for all such information is unduly burdensome. Grace-Conn further objects on the grounds that this request is not a request for documents and things pursuant to Fed. R. Civ. P. 34.

REQUEST 9

Any boxes of material that relate to the Zonolite Mining Company that were kept in the possession of Earl Lovick in Libby, Montana, specifically but not limited to the boxes of photograph (sic) of the Libby operations that have never been produced in the Grace document repository in Boston.

RESPONSE 9

See Response No. 6, above.

REQUEST 10

Please produce any and all warnings on the toxicity of any product that Grace produced from 1930 until 1997, not limited to products that contained asbestos, vermiculite, or other asbestos containing product or fiber.

RESPONSE 10

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and the General Objections interposed above, Grace-Conn states that non-privileged, non-trade secret documents relevant to asbestos litigation will be produced in Boston, Massachusetts at a mutually agreeable time.

REQUEST 11

Please produce any and all memos, documents, computer tapes, computer records, data bases, and e-mail regarding the production of warnings on any and all products made by W.R. Grace.

RESPONSE 11

See Response 10, above.

REQUEST 12

Please produce any and all memos regarding the production of the material safety data sheets on vermiculite and vermiculite containing products.

RESPONSE 12

Grace-Conn objects to this request on the grounds that it overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence in that it requests information regarding more products than those at issue. Subject to these objections and the General Objections interposed above, Grace-Conn states that non-privileged, non-trade secret documents responsive to this request, limited to the products at issue, will be produced in Boston, Massachusetts at a mutually agreeable time.

REQUEST 13

Please produce all records concerning W.R. Grace's hiring of German employees as ticket agents or other agents for the Grace line or Panagra beginning in the 1930s through the 1990s.

RESPONSE 13

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Grace-Conn further objects that the reference to "the Grace line" is vague and ambiguous. Grace-Conn further objects on the grounds that any inquiry regarding the nationality of any person who was an employee of Grace-Conn represents an outrageous invasion of privacy and is not, in any respect, reasonably calculated to lead to the discovery of admissible evidence. Rather, this request appears to be motivated by the desire of a consultant paid by plaintiffs' attorney to cause prejudice against Grace-Conn in the minds of jurors. See further Response 1, above.

REQUEST 14

List of names of all W.R. Grace employees who were German residents or citizens at the time of their employment from 1930-1952.

RESPONSE 14

See Response 13, above.

REQUEST 15

Any and all records of visits made by Grace personnel to Otto Ambros while he was in prison from 1948 to 1951.

RESPONSE 15

See Response 1, above.

REQUEST 16

Please produce all telegrams and other correspondence between W.R. Grace and Otto Ambros from the time period between 1945 and 1951, prior to his employment as a consultant W.R. Grace (sic).

RESPONSE 16

See Response 1, above.

REQUEST 17

Please provide all documents concerned with Grace's consulting with any I.G. Farben subsidiary on the manufacture of MonoKote 1, 2, 3, 4 or 5, and the same question with the respect to the manufacture of polystyrene.

RESPONSE 17

Grace-Conn objects to this request on the grounds that is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections and the General Objections interposed above, Grace-Conn states that it is unaware of any documents responsive to this request and unaware of any basis for believing Grace-Conn ever consulted with any I.G. Farben subsidiary. See further Response 1, above.

REQUEST 18

Please provide a list of all German residents who were Grace employed who filed for work related illnesses from 1930 to 1997.

RESPONSE 18

See Response 13, above.

REQUEST 19

The names of the persons most knowledgeable at W.R. Grace with respect to consultation services provided by Otto Ambros.

RESPONSE 19

Grace-Conn objects to this request on the grounds that is not a request for documents and things pursuant to Fed. R. Civ. P. 34. Subject to this objection and the General Objections interposed above, see Response 1, above.

REQUEST 20

List of all customers to whom Grace sells asbestos or asbestos-containing products.

RESPONSE 20

Grace-Conn objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 21

- A. List of all products sold or distributed by Grace containing vermiculite.
- B. Identify and list the source of the vermiculite.
- C. Provide any and all materials related to testing the vermiculite or asbestos fiber content.

RESPONSE 21

- A. Grace-Conn objects to this subpart to the extent that it seeks documents protected from disclosure by the attorney-client privilege and/or attorney work product doctrine. Grace-Conn further objects on the grounds that is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information regarding products to which plaintiffs do not allege that decedent worker was exposed. Subject to this objection and the General Objections interposed above, Grace-Conn states that relevant, non-privileged, non-trade secret documents responsive to this request, to the extent they exist, will be produced in Boston, Massachusetts at a mutually agreeable time.

- B. Grace-Conn objects to this subpart on the grounds that it is not a request for documents and things pursuant to Fed. R. Civ. P. 34.
- C. Grace-Conn objects to this subpart on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and the General Objections interposed above, Grace-Conn states that responsive, non-privileged, non-trade secret documents concerning products relevant to this litigation will be produced to plaintiffs' counsel in Boston, Massachusetts at a mutually agreeable time.

REQUEST 22

Please provide the names of all consultants who evaluated asbestos content of vermiculite for W.R. Grace, including but not limited to Arthur D. Little employees and all documents, writings, papers, minutes, reports generated by such consultations.

- A. List the names, address and telephone number of each Grace consultant.

RESPONSE 22

Grace-Conn objects to this request on the grounds that, in part, it is not a request for documents pursuant to Fed. R. Civ. P. 34. Subject to this objection and the General Objections interposed above, see Response 21 C, above.

REQUEST 23

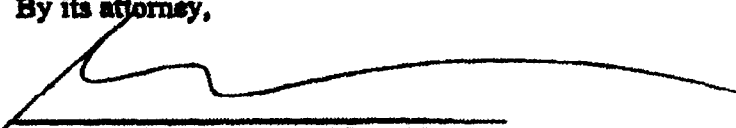
Copy of the death certificate for the worker who developed mesothelioma as described in the review article by Wedler in 1943, and any and all records concerning that person such as life insurance paid, workers compensation paid, record of workers' compensation filing, etc.

RESPONSE 23

Grace-Conn objects that this request is unintelligible because no title or citation is given for "the review article by Wedler" referred to in the request nor is "the worker" for

whom information is sought identified. Grace-Conn is aware of a 1943 article by Wedler entitled *Über den Lungenkrebs bei Asbestose*, but the article refers to many case histories and does not contain the word "mesothelioma."

W.R. GRACE & CO. - CONN.,
By its attorney,



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(317) 638-1313

DATED:

107292

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing been served this 15th day of August, 1997, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the following counsel of record:

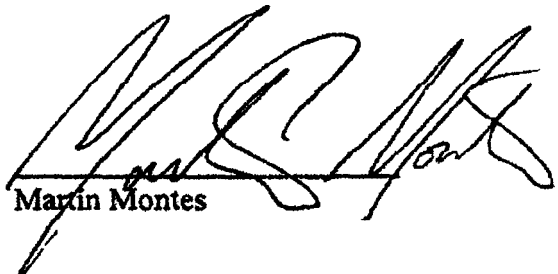
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