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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

IN RE: SHIPYARD AND) No. 537 868-7
APPLICATOR ASBESTOS CASES)
(KAZAN AND KILBOURNE)) RESPONSES OF OWENS-ILLINOIS,
INC., TO PLAINTIFFS' SECOND
SET OF INTERROGATORIES

PROPOUNDING PARTY: PLAINTIFFS
RESPONDING PARTY: DEFENDANT OWENS-ILLINOIS, INC.
SET NUMBER: TWO

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories apparently occurred more than thirty-five years ago. In addition, more than twenty-four years ago, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in any such business. It does not now and it has not since that sale manufactured, distributed or sold any asbestos-containing products. As a

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1 result of the foregoing factors, many of the individuals who
2 might have had personal knowledge of the matters to which
3 plaintiffs' interrogatories relate are deceased, or are
4 otherwise unavailable to Owens-Illinois, Inc., and
5 investigations to date indicate that at least some documents
6 which relate to matters inquired about by these
7 interrogatories may have been transferred to Owens-Corning
8 Fiberglas Corporation with the transfer of the business in
9 question in 1958. Owens-Illinois, Inc. is engaged in a
10 continuing investigation in an attempt to locate, confirm
11 the transfer of, or confirm the absence of, such documents
12 and is also engaged in a continuing investigation into the
13 matters inquired about in these interrogatories. Unless
14 otherwise stated in an answer to a specific interrogatory,
15 the answers set out hereinafter are limited to the period
16 during which Owens-Illinois, Inc. manufactured asbestos-
17 containing insulation products and to the facilities related
18 to that business. The following is a part of and is
19 incorporated by reference in every answer provided
20 hereinafter:

21 This answer is accurate as of the
22 date of the Responses of Owens-Illinois,
23 Inc. to Plaintiffs' First Set of Inter-
24 rogatories. However, Owens-Illinois,
25 Inc.'s investigation is continuing, and
26 Owens-Illinois, Inc. cannot exclude the
27 possibility that it may be able to
28

1 obtain more complete information or even
2 information which indicates that the
3 answer being supplied is incorrect.
4 Owens-Illinois, Inc. objects to
5 answering this interrogatory with regard
6 to any period of time other than the
7 period during which it engaged in the
8 business involved in this case which
9 ended in mid-1958 and in regard to any
10 facility not related to said business,
11 on the basis that any such answer would
12 be irrelevant to the subject matter of
13 the pending litigation, would not be
14 reasonably calculated to lead to the
15 discovery of admissible evidence, and
16 would be burdensome and oppressive.
17

18 INTERROGATORY NO. 1:

19 Did Owens-Illinois employ F. W. Sherwood as noted
20 on the attached Exhibit 1? If so, please state:

- 21 a. Years of employment
22 b. Job title(s)
23 c. Duties and responsibilities

24 RESPONSE TO INTERROGATORY NO. 1:

25 No.

26 //

27 //

28 //

1 INTERROGATORY NO. 2:

2 Did F. W. Sherwood attend the Mellon Institute of
3 Industrial Research Symposium on Dust Problems in
4 Pittsburgh, January 15, 1935?

5 RESPONSE TO INTERROGATORY NO. 2:

6 Unknown. Owens-Illinois Glass Co. did not
7 manufacture, sell or distribute asbestos-containing products
8 in 1935.

9 INTERROGATORY NO. 3:

10 What was the nature of concern expressed on behalf
11 of Owens-Illinois by its representative to the Mellon
12 Institute Symposium referenced in No. 2 above?

13 RESPONSE TO INTERROGATORY NO. 3:

14 See answer to interrogatories Nos. 1 and 2 above.

15 INTERROGATORY NO. 4:

16 Was there concern on behalf of Owens-Illinois
17 regarding silica (sand) in 1935? If so, please state:

18 a. What was the nature of concern regarding
19 health aspects for the workers?

20 b. What was the nature of concern regarding
21 health aspects for the users of the product?

22 c. What was the nature of all other concerns?

23 RESPONSE TO INTERROGATORY NO. 4:

24 Owens-Illinois Glass Co. did not make, sell or
25 distribute asbestos-containing products in 1935. It did
26 make glass containers, one of the raw materials of which was
27 silica sand. There was no health risk to users of glass
28

1 containers due to silica sand. Owens-Illinois, Inc. objects
2 to the remainder of this interrogatory on the ground that it
3 is irrelevant and does not seek information calculated or
4 likely to lead to the discovery of admissible evidence. No
5 plaintiff alleges he was made ill due to exposure to silica
6 sand or to glass in 1935. In addition, subpart (c) of this
7 interrogatory is also vague, ambiguous and unintelligible.
8

9 INTERROGATORY NO. 5:

10 Was there concern on behalf of Owens-Illinois
11 regarding dusty jobs in 1935? If so, please state:

12 a. What was the nature of concern regarding
13 health aspects for the workers?

14 b. What was the nature of concern regarding
15 health aspects for the users of the product?

16 c. What was the nature of all other concerns?

17 RESPONSE TO INTERROGATORY NO. 5:

18 See answers to interrogatories No. 1, 2 and 4
19 above.

20 INTERROGATORY NO. 6:

21 Did the law firm of Williams, Eversman and Morgan,
22 Toledo, Ohio represent Owens-Illinois during 1935?

23 RESPONSE TO INTERROGATORY NO. 6:

24 Yes.

25 INTERROGATORY NO. 7:

26 Does Owens-Illinois have a copy of the address
27 given by Mr. A. C. Hirth during the Mellon Institute of
28 Industrial Research Symposium on Dust Problems in 1935?

1
2 RESPONSE TO INTERROGATORY NO. 7:

3 No.

4 INTERROGATORY NO. 8:

5 If the response to Number 7 above is affirmative,
6 will you provide a copy of the address with your responses
7 without a motion to produce?

8 RESPONSE TO INTERROGATORY NO. 8:

9 Not applicable.

10 INTERROGATORY NO. 9:

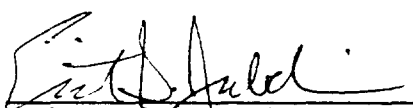
11 If a copy of the address by Mr. Hirth at the 1935
12 symposium is not attached, please state the content of his
13 address as known by Owens-Illinois.

14 RESPONSE TO INTERROGATORY NO. 9:

15 Unknown.

16 DATED: August 4, 1982

17 MORGENSTEIN, LADD & JUBELIRER
18 MARVIN D. MORGENSTEIN
19 ELIOT S. JUBELIRER
20 LEE ANN HUNTINGTON

21 By 
22 Eliot S. Jubelirer
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25
26
27
28

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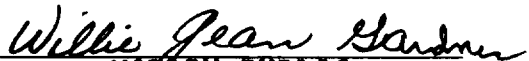
STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

PHILIP M. RICE, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing Responses to Plaintiffs' Interrogatories are true and correct to the best of his knowledge, information and belief.



PHILIP M. RICE

Sworn to and subscribed before me this 20th
day of July, 1982.



NOTARY PUBLIC

My Commission Expires:

March 19, 1986

WILLIE JEAN GARDNER
Notary Public — State of Ohio
My Commission Expires Mar. 19, 1986

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 255 California Street, 8th Floor, San Francisco, CA 94111.

On August 5, 1982, I served the within _____

RESPONSES OF OWENS-ILLINOIS, INC., TO PLAINTIFFS" SECOND

SET OF INTERROGATORIES

on the ALL PARTIES in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in a United States post office mail box at San Francisco, California, addressed as follows:

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I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Executed on August 5, 1982 at San Francisco, California.

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