

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

PERSONAL INJURY ASBESTOS CASES) Consolidation No. 89236704
)

DEFENDANT, OWENS-ILLINOIS, INC'S RESPONSES TO
PLAINTIFF'S CONSPIRACY INTERROGATORIES

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories apparently occurred more than thirty-five years ago. In addition, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in any such business. It does not now and it has not since that sale manufactured, distributed or sold any asbestos-containing products. As a result of the foregoing factors, many of the individuals who might have had personal knowledge of the matters to which plaintiffs' interrogatories relate are deceased, or are otherwise unavailable to Owens-Illinois, Inc., and investigations to date indicate that at least some documents which relate to matters inquired about by these interrogatories may have been transferred to Owens-Corning Fiberglas Corporation with the transfer of the business in question in 1958. Owens-Illinois, Inc. is engaged in a continuing investigation in an attempt to locate, confirm the transfer of, or confirm the absence of, such documents and is also engaged in a continuing investigation into the matters inquired about in these interrogatories. Unless otherwise stated in an answer to a specific interrogatory, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc. manufactured asbestos-containing insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being

supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory in regard to any period of time other than the period during which it engaged in the business involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

Furthermore, Owens-Illinois, Inc. objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories, on the basis that the definitions are overbroad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overbroad, burdensome and constitute an unreasonable expansion of the interrogatories themselves. Owens-Illinois, Inc. therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiffs, and instead shall answer the interrogatories in a manner consistent with a normal understanding of the language used in the interrogatory and to the extent necessary to fairly and fully answer the interrogatory.

Q. 1. State whether you have ever attended any meetings related to the setting of industry or governmental standards or regulations related to asbestos. If so, identify:

- (a) when the meeting occurred;
- (b) the participants;
- (c) the standard or regulation which was involved;
- (d) all other participants at the meeting; and
- (e) all documents which evidence, reference or relate to any such meeting.

A. 1. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 2. State whether you have ever participated in any way in the development of governmental specifications for asbestos products. If so, state in detail:

- (a) the extent of your participation,
- (b) the inclusive dates of your participation,
- (c) all persons who participated,
- (d) the governmental entity involved,
- (e) all documents which evidence, reference or relate to your participation.

A. 2. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 3. List all companies which have provided you Worker's Compensation insurance and accident and disability insurance since 1930 and the inclusive dates of coverage for each such company.

A. 3. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant states that during the period in which it engaged in the manufacture of asbestos-containing products, Aetna was this defendant's workmen's compensation carrier for its asbestos-containing product plants. However, during the period in which this defendant engaged in the manufacture of its asbestos-containing products, it received no workers' compensation claims for any asbestos-related disease. This defendant objects to further answering this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

Q. 4. Did you in any way assist or participate in:

(a) any Metropolitan Life Insurance Company studies of asbestos conducted from 1929 to 1940;

(b) any Trudeau Foundation/Saranac Lake studies from 1929 to 1960;

(c) any Industrial Hygiene Foundation studies from 1930 to 1968;

If so, for each:

(i) state what role or action you took;

(ii) identify all documents relevant to such activities by name, date, title, file number and present location.

A. 4. (a) This defendant did not manufacture or sell any asbestos-containing products between 1929-1940. It did not participate in any study of the Metropolitan Insurance Company.

(b) Owens-Illinois Glass Company began limited pilot plant operations involving the production of asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" in about 1948. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge was that there was a recognized safe exposure level for asbestos

dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

(c) This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 5. State whether or not you were a member of any board, committee, organization or group involved in the review or formulation of Worker's Compensation laws in any of the United States. If so, for each:

- (a) state what role or action you took;
- (b) identify all documents relevant to such activities by name, date, title, file number and present location.

A. 5. This defendant objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, seeks information which is not relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 6. State whether or not you attended a symposium of dust problems held on January 15, 1935 in Pittsburgh, Pennsylvania. If so, please state:

(a) what, if any, matters were discussed at this symposium;

(b) the substance of any discussions concerning asbestos or asbestos-related products;

(c) the problems of ventilation, dust collecting and elimination and respiratory devices, the substance of discussions, if any, covering the establishment of standards for dust counting and particle size determination and for the taking of x-rays and diagnostic use and for interpretation of the markings on x-ray films.

A. 6. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 7. State whether or not you or any of your agents, representatives and/or employees were elected to any of the committees formed at the end of the January 15, 1935 symposium. If so, state:

(a) what committees to which you/they were elected or named;

(b) the purpose for the formulation of the committees;

(c) the objectives of the committees; and

(d) if any reports, notes, minutes and/or summaries were issued by said committee. If so, state:

(i) where the notes, minutes and/or summaries are located.

A. 7. Refer to objection to Interrogatory No. 6.

Q. 8. State whether or not you entered into an agreement in 1936 with the Saranac Laboratories. If so, state:

(a) the date of the agreement;

(b) the signatories to the agreement;

(c) the purpose for entering into the agreement;

(d) what, if any, editing rights you retained regarding the issuance of any reports by Saranac Laboratories;

(e) what, if any, materials you actually reviewed and/or edited as a result of the studies performed by Saranac Laboratories.

A. 8. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 9. State whether or not you received a copy of the monograph prepared by Dr. Leroy Gardner in 1943 on Human Asbestosis which suggested evidence that asbestosis may precipitate the development of lung cancer. If so, please state:

- (a) who received said monograph;
- (b) where a copy of said monograph is maintained.

A. 9. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 10. State whether or not you served on the board or any committees of any of the following institutions:

- (a) Asbestos Textile Institute (ATI);
- (b) Industrial Hygiene Foundation and/or Industrial Health Foundation (IHP);
- (c) Mineral Wool Institute;
- (d) Industrial Mineral Insulation Manufacturer's Institute;
- (e) Magnesia Silica Installation Manufacturer's Institute;
- (f) Magnesia Silica Insulation Manufacturer's Institute;
- (g) National Insulation Manufacturer's Association (NIMA);
- (h) Thermal Insulation Manufacturer's Association (TIMA);
- (i) Asbestos Information Association (AIA);
- (j) Quebec Asbestos Mining Association (QAMA);
- (k) National Safety Council;
- (l) Asbestos Cement Producers Association;
- (m) Refractories Institute;
- (n) Northwest Magnesia Association;

- (o) National Insulation Contractors Association (NICA);
- (p) Air Hygiene Foundation;
- (q) Southwestern Insulation Contractors Association (SWICA).

If your answer is in the affirmative as to any of the above, please state:

- (i) the person who was on said board or committee;
- (ii) the position of the person on said board or committee;
- (iii) whether any minutes or reports of said board or committee exist, including the dates thereof, where copies of said minutes or reports of said board or committee are located, and by whom these minutes or reports of the board or committee are maintained.

A. 10. This defendant objects to this interrogatory on the grounds that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence except as it relates to the period of time within which this defendant manufactured its asbestos-containing products.

Without waiving the above objection, this defendant states that insofar as this interrogatory refers to associations or organizations of which this defendant was a member during the time when it manufactured asbestos-containing products, it was a member of the Industrial Hygiene Foundation (which changed its name to the Industrial Health Foundation in 1970) for the years 1936 through 1975. This defendant was not a member of any of the other organizations about which this interrogatory inquires.

Q. 11. State whether you or any representatives, agents and/or employees were present at a meeting on November 11, 1948 held at the headquarters of the Johns Manville Corporation. If so, state:

- (a) the name of the individual who attended;
- (b) the matters discussed at the meeting;
- (c) whether any minutes, notes, reports and/or summaries of the meeting were made;
- (d) to whom said minutes, notes, reports and/or summaries of the meeting were delivered; and
- (e) by whom said minutes, notes, reports and/or summaries are maintained.

A. 11. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad,

burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 12. If you were a member of the Quebec Asbestos Mining Association (QAMA), state the reasons for discontinuing the funding of Dr. Arthur Vorwald's studies in 1952, including:

(a) what members were present during the discussions of whether or not to continue Dr. Vorwald's funding;

(b) what discussions were had concerning the discontinuing of the funding;

(c) whether any notes, memoranda, minutes or summaries concerning said meetings were maintained and if so, by whom, and where copies of those minutes, notes and/or summaries are located.

A. 12. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Q. 13. If you are a member of QAMA, state whether or not you contracted with the Industrial Hygiene Foundation and Dr. Daniel Braun to study the relationship between asbestos exposure, asbestosis and lung cancer. If your answer is in the affirmative, please state:

(a) the date you contracted with the Industrial Hygiene Foundation and Dr. Daniel Braun;

(b) the substance of the agreement.

A. 13. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 14. State whether you received a report in 1957 from Drs. Braun and Truan concerning asbestosis and the increase in workers' chances of incurring lung cancer. If so, state:

(a) the date of the report;

(b) by whom the report was received;

(c) where a copy of the report is maintained.

A. 14. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 15. If you were a member of QAMA, state whether or not you attended a symposium in 1958 at which you, along with

other members of QAMA, edited the works of Drs. Braun and Truan before publication. If so, state:

- (a) the date of the meeting or symposium;
- (b) who attended on your behalf;
- (c) whether any notes, minutes or reports or said meeting were prepared and if so by whom prepared and where said notes, reports or minutes are maintained.

A. 15. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 16. If you were a member of QAMA, state whether or not you caused, in 1958, a publication of the work by Braun and Truan to be published.

A. 16. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 17. If you were a member of the Mining Insulation Manufacturer's Association (MIMA), state whether in 1955 you caused to be published the MIMA 85% Insulation Manual.

A. 17. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Q. 18. If you were a member of the Asbestos Textile Institute (ATI) state whether or not you received a report from W.C.L. Hemeon regarding asbestosis. If your answer is in the affirmative, please state:

- (a) who received a copy of the report;
- (b) where a copy of the report is maintained.

A. 18. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Respectfully submitted,



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Attorneys for Defendant,
Owens-Illinois, Inc.

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

A. H. Smith

A. H. SMITH

SWORN TO and subscribed

before me this 27th day

of August, 1990.
Dianne M. Gempel

Notary Public

My Commission Expires:

DIANNE M. GEMPEL
Notary Public, State of Ohio
My Commission Expires August 26, 1991

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

A. H. Smith

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PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Interrogatories apparently occurred more than thirty-five years ago. In addition, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in any such business. It does not now and it has not since that sale manufactured, distributed or sold any asbestos-containing products. As a result of the foregoing factors, many of the individuals who might have had personal knowledge of the matters to which plaintiffs' interrogatories relate are deceased, or are otherwise unavailable to Owens-Illinois, Inc., and investigations to date indicate that at least some documents which relate to matters inquired about by these interrogatories may have been transferred to Owens-Corning Fiberglas Corporation with the transfer of the business in question in 1958. Owens-Illinois, Inc. is engaged in a continuing investigation in an attempt to locate, confirm the transfer of, or confirm the absence of, such documents and is also engaged in a continuing investigation into the matters inquired about in these interrogatories. Unless otherwise stated in an answer to a specific interrogatory, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc. manufactured asbestos-containing insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being

supplied is incorrect. Owens-Illinois, Inc. objects to answering this interrogatory in regard to any period of time other than the period during which it engaged in the business involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

Furthermore, Owens-Illinois, Inc. objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories, on the basis that the definitions are overbroad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overbroad, burdensome and constitute an unreasonable expansion of the interrogatories themselves. Owens-Illinois, Inc. therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiffs, and instead shall answer the interrogatories in a manner consistent with a normal understanding of the language used in the interrogatory and to the extent necessary to fairly and fully answer the interrogatory.

Q. 1. State whether you have ever attended any meetings related to the setting of industry or governmental standards or regulations related to asbestos. If so, identify:

- (a) when the meeting occurred;
- (b) the participants;
- (c) the standard or regulation which was involved;
- (d) all other participants at the meeting; and
- (e) all documents which evidence, reference or relate to any such meeting.

A. 1. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 2. State whether you have ever participated in any way in the development of governmental specifications for asbestos products. If so, state in detail:

- (a) the extent of your participation,
- (b) the inclusive dates of your participation,
- (c) all persons who participated,
- (d) the governmental entity involved,
- (e) all documents which evidence, reference or relate to your participation.

A. 2. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 3. List all companies which have provided you Worker's Compensation insurance and accident and disability insurance since 1930 and the inclusive dates of coverage for each such company.

A. 3. This defendant objects to this interrogatory on the basis that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence, except as it relates to the period of time during which this defendant engaged in the manufacture, sale and distribution of its asbestos-containing products. Without waiving the above objection, this defendant states that during the period in which it engaged in the manufacture of asbestos-containing products, Aetna was this defendant's workmen's compensation carrier for its asbestos-containing product plants. However, during the period in which this defendant engaged in the manufacture of its asbestos-containing products, it received no workers' compensation claims for any asbestos-related disease. This defendant objects to further answering this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

Q. 4. Did you in any way assist or participate in:

- (a) any Metropolitan Life Insurance Company studies of asbestos conducted from 1929 to 1940;
- (b) any Trudeau Foundation/Saranac Lake studies from 1929 to 1960;
- (c) any Industrial Hygiene Foundation studies from 1930 to 1968;

If so, for each:

- (i) state what role or action you took;
- (ii) identify all documents relevant to such activities by name, date, title, file number and present location.

A. 4. (a) This defendant did not manufacture or sell any asbestos-containing products between 1929-1940. It did not participate in any study of the Metropolitan Insurance Company.

(b) Owens-Illinois Glass Company began limited pilot plant operations involving the production of asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" in about 1948. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge was that there was a recognized safe exposure level for asbestos

dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

(c) This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

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Q. 6. State whether or not you attended a symposium of dust problems held on January 15, 1935 in Pittsburgh, Pennsylvania. If so, please state:

- (a) what, if any, matters were discussed at this symposium;
- (b) the substance of any discussions concerning asbestos or asbestos-related products;
- (c) the problems of ventilation, dust collecting and elimination and respiratory devices, the substance of discussions, if any, covering the establishment of standards for dust counting and particle size determination and for the taking of x-rays and diagnostic use and for interpretation of the markings on x-ray films.

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- (a) what committees to which you/they were elected or named;
- (b) the purpose for the formulation of the committees;
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 - (i) where the notes, minutes and/or summaries are located.

A. 7. Refer to objection to Interrogatory No. 6.

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- (a) the date of the agreement;
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- (a) Asbestos Textile Institute (ATI);
- (b) Industrial Hygiene Foundation and/or Industrial Health Foundation (IHP);
- (c) Mineral Wool Institute;
- (d) Industrial Mineral Insulation Manufacturer's Institute;
- (e) Magnesia Silica Installation Manufacturer's Institute;
- (f) Magnesia Silica Insulation Manufacturer's Institute;
- (g) National Insulation Manufacturer's Association (NIMA);
- (h) Thermal Insulation Manufacturer's Association (TIMA);
- (i) Asbestos Information Association (AIA);
- (j) Quebec Asbestos Mining Association (QAMA);
- (k) National Safety Council;
- (l) Asbestos Cement Producers Association;
- (m) Refractories Institute;
- (n) Northwest Magnesia Association;

(o) National Insulation Contractors Association (NICA);
(p) Air Hygiene Foundation;
(q) Southwestern Insulation Contractors Association (SWICA).

If your answer is in the affirmative as to any of the above, please state:

- (i) the person who was on said board or committee;
- (ii) the position of the person on said board or committee;
- (iii) whether any minutes or reports of said board or committee exist, including the dates thereof, where copies of said minutes or reports of said board or committee are located, and by whom these minutes or reports of the board or committee are maintained.

A. 10. This defendant objects to this interrogatory on the grounds that it seeks information which is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence except as it relates to the period of time within which this defendant manufactured its asbestos-containing products.

Without waiving the above objection, this defendant states that insofar as this interrogatory refers to associations or organizations of which this defendant was a member during the time when it manufactured asbestos-containing products, it was a member of the Industrial Hygiene Foundation (which changed its name to the Industrial Health Foundation in 1970) for the years 1936 through 1975. This defendant was not a member of any of the other organizations about which this interrogatory inquires.

Q. 11. State whether you or any representatives, agents and/or employees were present at a meeting on November 11, 1948 held at the headquarters of the Johns Manville Corporation. If so, state:

- (a) the name of the individual who attended;
- (b) the matters discussed at the meeting;
- (c) whether any minutes, notes, reports and/or summaries of the meeting were made;
- (d) to whom said minutes, notes, reports and/or summaries of the meeting were delivered; and
- (e) by whom said minutes, notes, reports and/or summaries are maintained.

A. 11. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad,

burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 12. If you were a member of the Quebec Asbestos Mining Association (QAMA), state the reasons for discontinuing the funding of Dr. Arthur Vorwald's studies in 1952, including:

(a) what members were present during the discussions of whether or not to continue Dr. Vorwald's funding;

(b) what discussions were had concerning the discontinuing of the funding;

(c) whether any notes, memoranda, minutes or summaries concerning said meetings were maintained and if so, by whom, and where copies of those minutes, notes and/or summaries are located.

A. 12. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Q. 13. If you are a member of QAMA, state whether or not you contracted with the Industrial Hygiene Foundation and Dr. Daniel Braun to study the relationship between asbestos exposure, asbestosis and lung cancer. If your answer is in the affirmative, please state:

(a) the date you contracted with the Industrial Hygiene Foundation and Dr. Daniel Braun;

(b) the substance of the agreement.

A. 13. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 14. State whether you received a report in 1957 from Drs. Braun and Truan concerning asbestosis and the increase in workers' chances of incurring lung cancer. If so, state:

(a) the date of the report;

(b) by whom the report was received;

(c) where a copy of the report is maintained.

A. 14. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 15. If you were a member of QAMA, state whether or not you attended a symposium in 1958 at which you, along with

other members of QAMA, edited the works of Drs. Braun and Truan before publication. If so, state:

- (a) the date of the meeting or symposium;
- (b) who attended on your behalf;
- (c) whether any notes, minutes or reports or said meeting were prepared and if so by whom prepared and where said notes, reports or minutes are maintained.

A. 15. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 16. If you were a member of QAMA, state whether or not you caused, in 1958, a publication of the work by Braun and Truan to be published.

A. 16. Not applicable to this defendant. Refer to answer to Interrogatory No. 12.

Q. 17. If you were a member of the Mining Insulation Manufacturer's Association (MIMA), state whether in 1955 you caused to be published the MIMA 85% Insulation Manual.

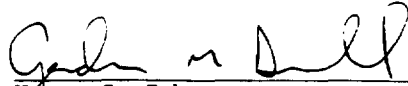
A. 17. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Q. 18. If you were a member of the Asbestos Textile Institute (ATI) state whether or not you received a report from W.C.L. Hemeon regarding asbestosis. If your answer is in the affirmative, please state:

- (a) who received a copy of the report;
- (b) where a copy of the report is maintained.

A. 18. Not applicable to this defendant. This defendant was not a member of the association referred to in this interrogatory.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gardner M. Duvall", is written over a horizontal line.

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