

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROSE MARIE KUPFER, Individually
and as Administratrix of the Estate
of WILLIAM J. KUPFER, Deceased

Plaintiffs,

vs.

Civil Action No.
92-CV-0594S

THE DOW CHEMICAL COMPANY;
PPG INDUSTRIES, INC.; and
SHELL CHEMICAL COMPANY, a
division of Shell Oil Company

Defendants.

SHELL OIL COMPANY,

Defendant and
Third-Party Plaintiff,

vs.

THE GOODYEAR TIRE & RUBBER COMPANY.

Third-Party Defendant.

RESPONSE OF DEFENDANT PPG INDUSTRIES, INC.
TO PLAINTIFF'S INITIAL INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil
Procedure, defendant PPG Industries, Inc. ("PPG") answers and
objects to plaintiff's first set of interrogatories upon
information and belief as follows:

GENERAL OBJECTIONS AND LIMITATIONS

1. PPG objects to the "Definitions" set forth by plaintiff to the extent that they seek to alter the obligations placed on PPG by the Federal Rules of Civil Procedure, applicable law, or the rules of court.

2. PPG objects to providing information relating to "Defendant's predecessor" or "Defendant's subsidiary companies" as being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Answers will be provided for PPG only and will be based upon information known and available to PPG.

3. PPG objects to any interrogatories to the extent that they seek privileged communications or attorney work product which is protected from disclosure.

4. PPG objects to any interrogatories to the extent that they seek confidential, financial, trade secret, or commercially sensitive business information.

5. PPG objects to any interrogatories to the extent that they seek information already known to plaintiff, or to the extent that they are related to or require the production or identification of documents, writings, records, or publications in the public domain since such information is equally available to the plaintiff.

6. PPG objects to plaintiff's interrogatories as overly broad and unduly burdensome insofar as they seek

information from 1955 through 1978. PPG's sales records indicate sales of Vinyl Chloride Monomer ("VCM") to plaintiff's decedent's place of employment, The Goodyear Tire & Rubber Company ("Goodyear") in Niagara Falls, New York, in 1978, but PPG is unaware of any documents indicating sales to Goodyear in years prior to 1978.

7. In providing the following responses to plaintiff's initial interrogatories, PPG has undertaken a reasonable effort to locate records and to provide the information requested. The following responses are based upon such information as is reasonably available to PPG and susceptible to retrieval through reasonable efforts.

ANSWERS TO INTERROGATORIES

1. Please state name, address and job title of each person who has supplied information used in answering these interrogatories.

ANSWER: David C. Gallagher, Senior Counsel, PPG Industries, Inc., One PPG Place, Pittsburgh, PA 15272; R.K. Lee, Manager, Product Safety, PPG Industries, Inc., One PPG Place, Pittsburgh, PA 15272.

2. Did Defendant, Defendant's predecessor or Defendant's subsidiary companies sell or distribute vinyl chloride to the Goodyear Tire & Rubber Company in Niagara Falls, New York during the period of 1955 through 1978?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. Subject to and without waiving the foregoing

objections, PPG does not maintain records of vinyl chloride sales for years prior to 1978. PPG sold vinyl chloride monomer ("VCM") in 1978 to Goodyear Tire & Rubber Company ("Goodyear"), Niagara Falls, NY.

3. If the answer to Interrogatory No. 2 is in the affirmative, state:

(a) the entity which sold or distributed the vinyl chloride;

(b) the dates of such sale or distribution;

(c) the amount of each sale or delivery to the Goodyear Tire & Rubber Company plant in Niagara Falls, New York;

(d) the type of container used to deliver the vinyl chloride to Goodyear's plant (i.e., tank car, etc.); and

(e) any printed material, warnings, trademarks, company identifications, or logos that appeared on or with the containers of the vinyl chloride.

ANSWER: PPG reiterates its objections stated in its answer to Interrogatory No. 2 above. Subject to and without waiving the foregoing objections:

(a) PPG Industries, Inc.

(b) PPG maintains annual sales data. See documents produced reflecting PPG's 1978 sales to Goodyear's Niagara Falls, NY plant.

(c) See sales documents produced.

(d) Tank car.

(e) PPG has produced all labels, MSDS's and product information presently available relating to VCM for 1978. See documents produced.

4. Does Defendant, Defendant's predecessor or Defendant's subsidiary companies have any records indicating that any vinyl chloride was sold or distributed to the Goodyear Tire & Rubber Company in Niagara Falls, New York during the period of 1955 through 1978?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. Subject to and without waiving the foregoing objections, yes, see response to Interrogatory No. 2.

5. If the answer to Interrogatory No. 4 is in the affirmative, state:

(a) the identity and current address of each individual who currently has possession of those records and the present location of such records; and,

(b) the title or description of such records.

ANSWER: PPG reiterates its objections stated in its answer to Interrogatory No. 4 above. Subject to and without waiving the foregoing objections:

(a) PPG Industries, Inc.
One PPG Place
Pittsburgh, PA 15272

(b) See documents produced.

6. At any time, has Defendant, Defendant's predecessor or any of Defendant's subsidiary companies published and/or distributed any brochures, pamphlets, packagings, labels, material safety data sheets or other written materials of any kind or character that contain any warnings, warranties, cautions, caveats, or directions for use with respect to the possibility of injury resulting from the use of its vinyl chloride?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory on the

grounds that it is overly broad, unduly burdensome, unlimited in time, irrelevant to the issues in this suit and not reasonably calculated to lead the discovery of relevant or admissible evidence. PPG further objects on the ground that the term "injury" is vague and ambiguous in that it is not defined. Subject to and without waiving the foregoing objections, yes, see response to Interrogatory No. 3(e).

7. If the answer to Interrogatory No. 6 is in the affirmative, please state:

- (a) the exact wording of such printed material;
- (b) the type of such printed material (i.e. label, material safety data sheet, etc.);
- (c) the method used to distribute the printed material to customers or persons who were likely to use the vinyl chloride;
- (d) the date each such printed material was published or distributed;
- (e) the identity of each person who presently has possession of the above-described documents and their location(s); and,
- (f) the names, current address, and titles of the authors of such printed material.

ANSWER: PPG reiterates its objections stated in its answer to Interrogatory No. 6 above. PPG further objects to this interrogatory as overly broad and unduly burdensome in failing to specify a time period and in requesting information for years in which PPG has no record of sales to Goodyear's Niagara Falls plant. Subject to and without waiving these objections:

- (a)-(d) See documents produced

(e) R. K. Lee, Manager, Product Safety, PPG Industries, Inc., One PPG Place, Pittsburgh, PA 15272

(f) PPG's investigation is continuing.

(8) Did you provide any of the printed material that was identified in your answer to Interrogatory No. 7 to the Goodyear Tire & Rubber Company? If so, identify:

(a) the printed material provided to Goodyear;

(b) its exact wording;

(c) the person(s) who provided the material to Goodyear;

(d) the date(s) it was provided to Goodyear; and,

(e) the person(s) at Goodyear to whom the material was addressed, provided, or to whom it was intended.

ANSWER: PPG objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in time, irrelevant to the issues in the suit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to and without waiving the foregoing objections, PPG's practice in 1978 was to provide labels, MSDS's and product literature. See documents produced.

(a)-(b) See documents produced.

(c) Unknown at this time.

(d) Unknown at this time.

(e) Unknown at this time.

9. Do you possess any written memoranda, specifications, drafts or other written materials of any kind or character which relate to the design and preparation of the labeling, warnings, and instructions for use which are listed in your answer to Interrogatory No. 7?

ANSWER: PPG objects to this interrogatory as overly broad and unduly burdensome in failing to specify a time period and in requesting information for years in which PPG has no record of sales to Goodyear's Niagara Falls plant. PPG further objects to this interrogatory because it is vague and ambiguous as phrased, particularly with respect to the word "specifications" for labeling or warning. Subject to and without waiving these objections, see PPG's response to Interrogatory Nos. 7 and 8 and documents produced.

10. If the answer to Interrogatory No. 9 is in the affirmative, please:

(a) identify each such written material or document, their author(s) and current address;

(b) identify the person or persons presently in possession of each such document; and

(c) state where each such document is located.

ANSWER: (a)-(c) PPG reiterates its objections stated in its answer to Interrogatory No. 9 above. Subject to and without waiving these objections, see documents produced.

11. At any time prior to December 31, 1978, did Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies, conduct any tests, or perform or sponsor any research or studies, to determine if there were any potential hazards to human health from exposure to vinyl chloride?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as a reasonable time frame has not been established. Furthermore, PPG

objects to this interrogatory on the grounds that it is not limited to testing or research concerning the alleged health effects resulting from exposure situations applicable to this case and is, therefore, overly broad, irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to and without waiving the foregoing objections, PPG did not independently perform tests or conduct research.

12. If the answer to Interrogatory No. 11 is in the affirmative, please state:

(a) the identity of each individual or organization which conducted such tests, or performed or sponsored such research or studies and their current addresses;

(b) the nature, manner and method of each test and any research or studies in detail;

(c) the results of such tests, research, or studies;

(d) whether the results of such tests, research or studies were reduced to writing; and,

(e) if the answer to subpart (d) is in the affirmative, please:

(1) identify each person who presently has possession of each such document or written material and their current address; and

(2) identify each person who presently has possession of each such document or written material and their current address; and,

(3) state where each such document is located.

ANSWER: N/A

13. Were any changes in labeling, warnings, or instructions for use made as a result of such tests, research, or studies identified in your answer to Interrogatory No. 12 above?

ANSWER: PPG objects to this interrogatory as overly broad and unduly burdensome in failing to specify a time period. Changes in labels, warnings or instructions, if any, reflected applicable OSHA safety and health standards.

14. If the answer to Interrogatory No. 13 is in the affirmative, please state:

- (a) the nature and text of the change made;
- (b) the date of each change;
- (c) the purpose of each such change; and,
- (d) the name, current address, and title of each person in charge of making each such change.

ANSWER: See documents produced.

15. Does Defendant or any of Defendant's subsidiary companies possess any written report, article, memoranda, or study, whether published or unpublished, or other written material of any kind or character, which relate in any manner to any potential health hazards from exposure to vinyl chloride?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory on the grounds that it is overly broad and unduly burdensome; that a reasonable time frame has not been established; that it is vague and ambiguous as written in failing to define the phrase "any potential health hazards"; and that it is oppressive and harassing. Moreover, this interrogatory is not limited to the alleged health effects resulting from exposure situations applicable to this case and is, therefore, overly broad and not reasonably calculated to lead to the discovery of relevant or

admissible evidence. PPG further objects to this interrogatory to the extent it seeks, or could be construed to seek, disclosure of confidential, proprietary, or trade secret information.

16. If the answer to Interrogatory No. 15 is in the affirmative, please:

(a) identify each such written material or document by title, author(s), journal (if applicable), and date when written and published;

(b) identify each person by name, title, and employer who presently has possession of each such document;

(c) state where each such document is located; and

(d) the date when each such document was first received by Defendant, Defendant's predecessor or Defendant's subsidiary companies.

ANSWER: PPG incorporates herein by reference its objections stated in its answer to Interrogatory No. 15 above.

17. Identify any physicians, toxicologists, epidemiologists, industrial hygienists, or other scientists or researchers who were employed between 1955 and 1974 by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies who had responsibility for determining or investigating any potential hazards to human health from exposure to chemicals, including, but not limited to, vinyl chloride.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. PPG further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to and without waiving the foregoing objections, PPG has no records of having sold VCM to Goodyear's Niagara Falls plant in the years 1955 - 1974.

18. For any person identified in your answer to Interrogatory No. 17, state:

- (a) their name, and current address and employer; and
- (b) their title(s) and dates when employed by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies.

ANSWER: N/A

19. Between 1955 and 1974, did Defendant, Defendant's predecessor or any of Defendant's subsidiary companies maintain, operate, own, or sponsor any laboratory or research facility which studied any potential hazards to human health from exposure to chemicals manufactured or used by the Defendant, Defendant's predecessor or any of Defendant's subsidiary companies?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. PPG further objects to this interrogatory as overly broad, unduly burdensome, vague, irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to and without waiving the foregoing objections, PPG has no records of having sold VCM to Goodyear's Niagara Falls plant in the years 1955-74.

20. If the answer to Interrogatory No. 19 is in the affirmative, identify:

- (a) the name and location of the facility;
- (b) the name and current address of the director(s) or other person(s) in charge of the facility between the years 1955 and 1974, and the dates of such directorship; and,
- (c) the period of time when such facility was operated, owned, or sponsored by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies.

ANSWER: N/A

21. With respect to the period of 1955 through 1978, did Defendant, Defendant's predecessor, or Defendant's subsidiary companies ever conducted [sic] any tests or studies in the field where vinyl chloride was being used, (including, but not limited to, The Goodyear Tire & Rubber Company) to determine 1) the nature and extent of exposure to workers from vinyl chloride, or 2) the nature and extent of any adverse effects on human health from exposure to vinyl chloride?

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. PPG also objects to this interrogatory as vague and ambiguous as written, particularly the phrase "tests or studies in the field," which is undefined. Furthermore, this interrogatory is not limited to tests or studies at Goodyear's Niagara Falls plant, nor is it limited to test or studies regarding the alleged health effects resulting from exposure situations applicable to this case and is, therefore, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, and limiting PPG's response to 1978, and as PPG understands this interrogatory, PPG did not conduct field tests or studies at Goodyear's Niagara Falls plant. OSHA rules that were adopted in or about 1974 required only that owners and operators of facilities where VCM is used to monitor for VCM exposure at their own facilities. Such rules did not impose requirements upon suppliers of VCM to monitor facilities that they did not own or operate.

22. If the answer to Interrogatory No. 21 is in the affirmative, please identify:

(a) the date, place and nature of each and every test or study;

(b) the results of each test or study;

(c) the amount of vinyl chloride in parts per million or milligrams per cubic meter found in the air at each site;

(d) the nature, manner and method of testing;

(e) the person(s) who performed such tests or studies or the author(s) of any reports or studies; and,

(f) the name and location of all persons who currently have possession of the written results of any such tests or studies.

ANSWER: N/A

23. With respect to any knowledge received by Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies that vinyl chloride might be capable of producing malignant tumors in experimental test animals, identify:

(a) all dates, including the first date, when Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies received such information;

(b) the manner in which that information was received;

(c) the source of the information;

(d) the person(s) who received the information;

(e) any written material or document which provided such information and each person and their address who presently has possession of each such document and its location;

(f) any tests or studies conducted by Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies relating to an association between vinyl chloride and cancer, and identify each person who presently has possession of each such document, their address, and the location of the document; and

(g) any actions that were taken by Defendant, Defendant's predecessor, or any of Defendant's subsidiary companies (including the dates when taken) to notify its customers or users about any potential association between

exposure to vinyl chloride and the development of cancer.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects on the grounds that this interrogatory is overly broad, irrelevant and is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Subject to and without waiving the foregoing objections:

- (a) 1974;
- (b) Unknown at this time;
- (c) Department of Labor, Occupational Safety and Health Administration;
- (d) Unknown at this time;
- (e) The 1974 OSHA regulations are equally available to plaintiff;
- (f) N/A;
- (g) PPG objects to Interrogatory No. 23(g) as overly broad, unduly burdensome and irrelevant in seeking information related to time periods for which PPG has no record of sales of VCM to Goodyear's Niagara Falls plant.

24. At any time, did any physician, medical officer, industrial hygienist, toxicologist or medical consultant ever make any recommendations and/or suggestions to the Defendant, Defendant's predecessor, or Defendant's subsidiary companies concerning the risks or hazards to the health of persons involved in the manufacture or use of vinyl chloride?

ANSWER: PPG objects to this interrogatory for the

reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in time, vague and ambiguous, irrelevant to the issues in this suit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. PPG also objects to this interrogatory to the extent it requests information for years in which PPG has no record of VCM sales to Goodyear's Niagara Falls plant. Subject to and without waiving the foregoing objections, suggestions and changes, if any, were incorporated into MSDS's, labels and product literature.

25. If the answer to Interrogatory No. 24 is in the affirmative, state:

(a) the identity and current address of the person who made the recommendations and/or suggestions;

(b) the identity and current address of the person(s) to whom the recommendations and/or suggestion were made;

(c) the date(s) when such recommendations and/or suggestions were made;

(d) the substance of the recommendations and/or suggestions; and,

(e) whether a written report regarding the recommendations and/or suggestions was made, and if so, identify each person who presently has possession of each such document and its location.

ANSWER: (a)-(e) See PPG's response to Interrogatory No. 24 above.

26. Does Defendant agree that vinyl chloride can cause angiosarcoma of the liver?

ANSWER PPG objects to this interrogatory as calling for expert opinion. PPG has not identified its expert witness(es) at this time.

27. Has Defendant undertaken to investigate the occurrences alleged in Plaintiff's complaint, including any communication with Plaintiff's decedent's employer, The Goodyear Tire & Rubber Company?

ANSWER: PPG objects to this interrogatory to the extent it seeks, or could be construed to seek, information protected by the attorney-client privilege or the attorney work product and/or material prepared for litigation doctrines. Subject to and without waiving this objection, the only investigation of the allegations in plaintiff's complaint has been done by, or at the direction of, PPG's lawyers. By way of further response, PPG has received no documents from Goodyear other than those Goodyear has made available in response to discovery served in this action. PPG is presently engaged in discovery in this case.

28. If the answer to Interrogatory No. 27 is in the affirmative, please:

(a) state the name, address, and job title of the persons participating in each such investigation;

(b) list each written record pertaining to such investigation and its locations and custodian;

(c) identify any documents received from The Goodyear Tire & Rubber Company;

(d) state whether defendant obtained statements from any witnesses; and,

(e) If so, please list each witness who has given a statement and the name, address, and job title of each person

having custody of any such statement.

ANSWER: (a)-(e) PPG objects to this interrogatory as calling for the production of information protected by the attorney-client privilege or the attorney work product and/or material prepared for litigation doctrines.

29. Does Defendant agree that William J. Kupfer had a malignant angiosarcoma of the liver?

ANSWER: PPG objects to this interrogatory as calling for expert opinion. PPG has not identified its expert witness(es) at this time. PPG further objects to this interrogatory to the extent it seeks or could be construed to seek, protected attorney work product or material prepared for litigation.

30. What does Defendant contend was the cause of William J. Kupfer's malignant angiosarcoma of the liver?

ANSWER: PPG objects to this interrogatory as argumentative and as calling for expert opinion. PPG has not identified its expert witness(es) at this time. PPG further objects to this interrogatory to the extent it seeks or could be construed to seek, protected attorney work product or material prepared for litigation.

31. Does Defendant contend that William J. Kupfer improperly used its vinyl chloride?

ANSWER: PPG objects to this interrogatory because it is assumes that decedent William J. Kupfer used VCM manufactured by PPG and therefore lacks a proper foundation. PPG currently lacks sufficient information concerning whether or how decedent

used "its vinyl chloride." PPG's investigation is continuing.

32. If the answer to Interrogatory No. 31 is in the affirmative, please set out in detail in what respects said vinyl chloride was improperly used by William J. Kupfer, identify all persons with knowledge of these facts and their current addresses, and identify all pertinent documents.

ANSWER: See PPG's response to Interrogatory No. 31 above.

33. Does Defendant contend The Goodyear Tire & Rubber Company, or its employees, improperly used Defendant's vinyl chloride?

ANSWER: See PPG's response to Interrogatory No. 31 above.

34. If the answer to Interrogatory No. 33 is in the affirmative, please set out in detail in what respects said vinyl chloride was improperly used, identify all persons with knowledge of these facts and their current addresses, and identify all pertinent documents.

ANSWER: See PPG's response to Interrogatory No. 33 above.

35. State whether Defendant, Defendant's predecessor or Defendant's subsidiary companies at any time testified in a court of law, in a deposition, before a hearing officer or before any body of local, state, or federal government, or made written submissions to any body of local, state or federal government, where the potential danger to human health from exposure to vinyl chloride was an issue or where a claim for injury due to exposure to vinyl chloride has been made.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague and ambiguous as written, unlimited in time, not limited to the alleged health effects resulting from exposure situations

applicable to this case, and is not reasonably calculated to lead to the discovery of relevant or admissible evidence.

36. If the answer to Interrogatory No. 35 is in the affirmative, state:

(a) the identify of each person testifying or making a submission;

(b) the date(s) on which that person testified or made a submission;

(c) the purpose of the testimony or submission;

(d) the substance of the testimony;

(e) whether the testimony was transcribed or reduced to writing; and,

(f) the identity of the person and his location who currently has custody of the testimony or the submission.

ANSWER: See PPG's response to Interrogatory No. 35 above.

37. For each separate defense, state the facts upon which you rely, identify any persons knowledgeable of such facts, their current address and job title, and identify any documents that relate to such facts.

ANSWER: PPG objects to this interrogatory on the grounds that it calls for the production of material prepared for litigation and attorney work product, seeks discovery beyond that which is required by the Federal Rules of Civil Procedure and because it is overly broad and fails to identify items to be produced with reasonable particularity. Furthermore, PPG objects to this interrogatory as being premature at this time. Subject to and without waiving the foregoing objections, see facts, information and documentation produced in PPG's response to

plaintiff's interrogatories and requests for production of documents. Further, PPG states that discovery is ongoing and that the response to this interrogatory will be supplemented, to the extent required by the Federal Rules of Civil Procedure and subject to the foregoing objections, if further information developed during discovery provides a sufficient basis for PPG to respond.

38. Identify all persons that the Defendant expects to call as expert witnesses at trial, and as to each, state:

- (a) field of expertise;
- (b) educational background and nature of degree(s) obtained;
- (c) publications, including title of article, name of journal, and date of publication and/or title of book and the date of publication;
- (d) awards and memberships in professional associations;
- (e) training;
- (f) licenses;
- (g) teaching positions;
- (h) all cases by style, docket number and jurisdiction in which the proposed expert witness has testified either at depositions or at trial; and,
- (i) all reports or submissions rendered by each expert in connection with this case.

ANSWER: PPG objects to this interrogatory to the extent it seeks information beyond the scope of FRCP 26(b)(4). Subject to and without waiving the foregoing objections, PPG has not yet identified its expert witness(es) at this time.

39. For each person whom Defendant expects to call as an expert witness at trial, state:

(a) the subject matter on which each proposed expert witness is expected to testify;

(b) the substance of the facts and opinions to which each proposed expert witness is expected to testify; and,

(c) a summary of the grounds for each opinion to which each proposed expert witness is expected to testify.

ANSWER: (a)-(c) See PPG's response to Interrogatory No. 38 above.

40. Does Defendant admit that service of process was properly had on Defendant in this case?

ANSWER: PPG incorporates by reference its Answer filed in this case. PPG objects to Interrogatory No. 40 as calling for information protected by the attorney-client privilege. PPG further objects to any request to interpret facts equally available to plaintiff.

41. If the answer to Interrogatory No. 40 is negative, please explain the reasons for such answer.

ANSWER: See PPG's response to Interrogatory No. 40 above.

42. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiff herein?

ANSWER: PPG has sufficient insurance.

43. If the answer to Interrogatory No. 42 is in the affirmative, list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: See PPG's response to Interrogatory No. 42 above. PPG objects to this interrogatory as overly broad, unduly

burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence.

44. Does Defendant contend that it warned Goodyear Tire & Rubber Company that exposure to vinyl chloride could cause angiosarcoma of the liver?

ANSWER: PPG objects to this interrogatory as overly broad, unduly burdensome and argumentative to the extent it suggests that PPG had a duty to warn Goodyear, which PPG denies. PPG further objects to this interrogatory as calling for expert opinion. PPG has not identified its expert witness(es) at this time. By way of further response, see documents produced.

45. If the answer to Interrogatory No. 44 is in the affirmative, please state:

(a) the date when such a warning was first provided to Goodyear Tire & Rubber Company;

(b) all subsequent dates when such a warning was provided to Goodyear Tire & Rubber Company;

(c) the text of each such warning; and

(d) the method used to transmit each such warning to Goodyear Tire & Rubber Company and the person at Goodyear to whom the warning was addressed.

ANSWER: See PPG's response to Interrogatory No. 44 above.

46. When did Defendant, Defendant's predecessor or Defendant's subsidiary companies begin manufacturing or distributing vinyl chloride?

ANSWER: In approximately 1967.

47. For each year, beginning with 1955 and ending with 1978, state the total amount of vinyl chloride manufactured or distributed by Defendant, Defendant's predecessor or Defendant's subsidiary companies.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 6 of defendant's General Objections. PPG further objects to this interrogatory as overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant or admissible evidence. By way of further response, PPG has produced sales documents regarding sales of VCM to Goodyear's Niagara Falls plant in 1978.

48. Identify and provide the dates of any meetings, committees, studies, or other projects or activities of the Manufacturing Chemists Association (now called the Chemical Manufacturers Association) in which Defendant, Defendant's predecessor or Defendant's subsidiary companies were involved which related to the potential hazards to human health from exposure to vinyl chloride.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraphs 2 and 5 of defendant's General Objections. PPG further objects to this interrogatory as overly broad and unduly burdensome in failing to specify a time period. PPG also objects to this interrogatory to the extent that it seeks information relating to years in which PPG has no record of sales of VCM to Goodyear's Niagara Falls plant. Subject to and without waiving the foregoing objections, PPG has no information regarding dates of specific meetings.

49. Identify any documents in possession of Defendant, Defendant's predecessor or Defendant's subsidiary companies which relate to the projects or activities of Manufacturing Chemists Association which are identified in your answer to Interrogatory No. 48. and identify the person(s) and his location who currently has custody of such documents.

ANSWER: See PPG's response to Interrogatory No. 48

above.

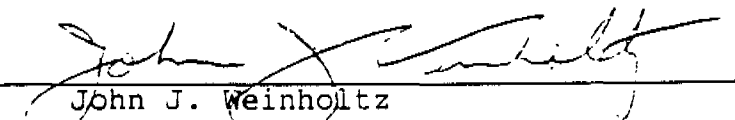
50. Identify any recommendations, warnings, or instructions for use that were made to customers or users of vinyl chloride by Defendant, Defendant's predecessor or Defendant's subsidiary companies which stated that the time weighted average exposure for vinyl chloride should not exceed 50 parts per million as recommended by T. R. Torkelson, F. Oyen, and V. K. Rowe in "The Toxicity of Vinyl Chloride as Determined by Repeated Exposure of Laboratory Animals," that was published in the American Industrial Hygiene Association Journal, Volume 22, pages 354-361, in October, 1961.

ANSWER: PPG objects to this interrogatory for the reasons set forth in Paragraph 2 of defendant's General Objections. PPG further objects to this interrogatory as overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the production of relevant or admissible evidence.

Dated: June 18, 1993
Buffalo, New York

PHILLIPS, LYTLE, HITCHCOCK, BLAINE & HUBER

By


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