

FILE NAME: Square D (SQD)

DATE: 2014

DOC#: SQD014

DOCUMENT DESCRIPTION: Legal – Deposition of Redfield for Square D –
App#8



accurate information becomes available or errors are discovered. Furthermore, these Responses are given without prejudice to Responding Defendant's right to rely on at trial subsequently discovered information or on information inadvertently omitted from these responses as a result of mistake, error or oversight.

(b) The word usage and sentence structure is that of the attorneys who, in fact, prepared these Responses and does not purport to be the exact language of the executing party.

(c) The Interrogatories have been interpreted and answered in accordance with the Missouri Rules of Civil Procedure and plain English usage, and, to the extent not specifically challenged by objection, the definitions and instructions of same were included.

(d) Responding Defendant further objects to these Interrogatories, as Responding Defendant has not been provided with sufficient information by Plaintiff to enable it to respond fully to these discovery requests. The Plaintiff has not identified with specificity the product(s) allegedly sold by Responding Defendant, which Plaintiff claims were a substantial causative factor in producing his/her alleged asbestos-related disease.

(e) The Responses are limited to those matters not subject to the attorney-client privilege and to those matters that do not constitute attorney work product.

(f) Responding Defendant objects to these Interrogatories to the extent they imply that Responding Defendant was under a duty to provide warnings for its products or that any products sold by it would expose workers to harmful dust levels.

(g) In responding to these Interrogatories, Responding Defendant does not concede the relevancy, materiality or admissibility of any information sought by the discovery requests or any Responses thereto. The Responses are made subject to and without waiver of any questions or objections as to the competency, relevancy, materiality, privilege or admissibility of evidence, documents or information referred to herein, or the subject matter thereof, in any proceeding including trial.

GENERAL OBJECTIONS

Responding Defendant makes the following additional General Objections to these Interrogatories:

GENERAL OBJECTION NO 1.

Responding Defendant objects to these Interrogatories to the extent that they seek information subject to the attorney-client privilege or which constitutes protected work product.

GENERAL OBJECTION NO 2.

Responding Defendant objects to each interrogatory to the extent that it calls for proprietary and/or confidential business information and, as such, is protected from disclosure as trade secret information. Responding Defendant's Responses to these Interrogatories are made without waiver of any such privilege or protection against disclosure.

GENERAL OBJECTION NO 3.

These Interrogatories are not product specific, and as such, Responding Defendant objects.

GENERAL OBJECTION NO 4.

Responding Defendant objects to any definition within these Interrogatories that purports to include entities other than Rogers Corp., which is the entity named in the above captioned litigation. Each of the following Responses to Interrogatories are limited in scope as described in the Preliminary Statement. Similarly, Responding Defendant objects to any definition that encompasses products not at issue in this litigation.

GENERAL OBJECTION NO 5.

Responding Defendant objects to the extent these Interrogatories assume facts not in evidence and call for speculation and/or legal conclusions.

GENERAL OBJECTION NO 6.

Responding Defendant objects to the extent these Interrogatories call for medical or scientific conclusions beyond the scope of Responding Defendant's knowledge and/or capabilities.

GENERAL OBJECTION NO 7.

Responding Defendant objects to the extent these Interrogatories purport to impose upon Responding Defendant any obligations different from or in addition to those set forth in the Missouri Rules of Civil Procedure or discovery decisions of this Court.

GENERAL OBJECTION NO 8.

Responding Defendant objects to the extent these Interrogatories are premature, not case specific nor specific to a particular Plaintiff and/or request information relevant to Plaintiff(s), locations, witnesses and other things that have not been identified to date, or seeks the premature disclosure of information contrary to the Missouri Rules of Civil Procedure.

GENERAL OBJECTION NO 9.

Responding Defendant objects to the Plaintiff's definition of "Product(s)" and any requests that seek information or documents about products other than the product(s) allegedly at issue in the LYLE KOVAR case, at the locations at issue and during the relevant time period. Requests for information and documents about other Responding Defendant products are overly broad, unreasonably burdensome and are not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION NO 10.

Responding Defendant objects to the extent that these Interrogatories assume Responding Defendant's products created dust, created a health hazard or were dangerous when used as intended.

GENERAL OBJECTION NO 11.

The foregoing General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided to all Plaintiff's Interrogatories in the above-captioned action.

INTERROGATORIES

1. Identify the person verifying these Answers on behalf of Defendant, including their full name, address, length of employment with this defendant, and current job title.

ANSWER:

Terrence Mahoney, Vice President, Rogers Corporation, One Technology Drive, Rogers, CT 06263. Length of Employment – 5 years.

2. Identify by full name, address, and job title your Custodian of Business Records.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Rogers further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, duplicative, seeks discovery of information and materials beyond the permissible scope of discovery, and is not reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, this Interrogatory seeks general investigative information concerning Rogers the subject of which is wholly irrelevant, and not limited with adequate specificity to the facts alleged in this litigation.

3. Has Defendant ever had a document retention policy? If your answer is "yes," identify the date of each such policy and specify its document retention requirements/protocol.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific time, location, or product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought.

4. With respect to Defendant, please identify:
- a. The full and correct name;
 - b. All names by which Defendant has been known or has conducted business and the dates during which it has been known by or conducted business under each such name;
 - c. The principal place of business;
 - d. Each state in which Defendant maintains an office for the usual and customary transaction of business;
 - e. The present state of incorporation;
 - f. Whether Defendant is authorized to transact business in the State of Missouri and, if so, the date such authority was first issued and last renewed; and
 - g. The location of each agent, representative and place of business in Missouri.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory to the extent it seeks information subject to the attorney-client privilege or which constitutes protected work product. Responding Defendant objects to this Interrogatory as vague, overly broad, burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence even with the purported "definitions" contained herein. Without waiving the foregoing objections and subject to same, Responding Defendant responds as follows:

- a. Responding Defendant conducts business as a corporation, named Rogers Corporation;

7. For each asbestos thermoset plastics, thermo plastic, plastic resin and/or plastic compound materials referred to in Answer 5 above, identify the following:

- a. The product's packaging;
- b. Writing that appears on the product packaging including any logos;
- c. Colors of products packaging and colors of writing, including logos, on products packaging;
- d. The name and current (or last known) address of each current or former employee with knowledge of the design, manufacturing and sale of asbestos containing products.

ANSWER:

See above response to Interrogatory Number 5.

8. If you have stopped producing, distributing and/or selling any of the asbestos thermoset plastics, thermo plastic, plastic resin and/or plastic compound materials listed in Answer 5, state for each product:

- a. The reason you stopped;
- b. The date you stopped;
- c. Whether any studies were conducted before you directed that production and sale to be stopped and, if so, identify each such study by title, date, author and subject matter.

ANSWER:

See above response to Interrogatory Number 5.

9. State whether any brochures, writing or other materials, written or photographic, were made available to distributors, drywall contractors/commercial buyers, installation workers, users or the general public concerning the design, manufacture, distribution, selling, installation and/or use of the asbestos thermoset plastics, thermo plastic, plastic resin and/or plastic compound materials referred to in Answer 5. For each such brochure or material, identify the material, author, date, and present location and custodian.

ANSWER:

See above response to Interrogatory Number 5.

10. Between 1958 and 1978, did you or any predecessor entity sell or deliver any material or products to *the Square D Facility located in Cedar Rapids, Iowa*? If your answer is "yes," identify:

- a. Type, brand name, full name, and complete trade name of each product sold and/or delivered to the facility;

- b. The dates on which each product identified in (a) was sold and/or delivered to the facility;
- c. Which products identified in (a) contained asbestos as any part, ingredient, or component;
- d. The type, grade, brand name, full name, and complete trade name of asbestos in each product identified in (a);
- e. The products package;
- f. Writing that appears on the product packaging including logos;
- g. Colors of products packaging and colors of writing, including logos, on product's packaging;
- h. Each entity from which you or any predecessor entity acquired each product identified in (a) for sale or delivery to the facility;
- i. Each warning which you provided with each product identified in (a) and
- j. All persons who were involved with or who have knowledge of the sale or delivery of each product identified in (a). Specify which person is the most knowledgeable concerning each product at the facility.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought. Without waiving the foregoing objections, Responding Defendant has made a diligent search of all relevant and available records and a reasonable inquiry in responding to this Interrogatory and identified the below indicated sales of products to the Square D facility located in Cedar Rapids, Iowa between 1958 and 1978. Copies of relevant records provided.

Year	Product	Pounds Sold
1960	Molding Materials	78,260
1961	Molding Materials	135,325
	SE/Duroid	100
1962	Molding Materials	121,250
1963	Molding Materials	221,290
	SE/Duroid	1,680
1964	Molding Materials	279,420
	SE/Duroid	2,588
1965	Glass Phenolic Molding	7,900
	Extruded Molding Materials	299,750
	DAP Molding Materials	20
1966	Glass Phenolic Molding	8,200
	Extruded Molding Materials	312,043
1967	Glass Phenolic Molding	11,000
	Extruded Molding Materials	242,050
1971	2181 – RX-462	10,000
	2177– RX-467 Black	10,000
	2184– RX-466	10,000
1972	21.24	10,000
	21.77 – RX-467 Black	652 CR
	21.81– RX-462	49,750
	21.84– RX-466	200,190
1973	21.81– RX-462	10,000
	21.84– RX-466	197,800
1974	2181– RX-462	278,975
	2184– RX-466	160,000
1975	2184– RX-466	48,200
	2181 – RX-462	211,025
1976	2181– RX-462	167,675
	2184– RX-466	578,205
	3227 – RX-611 Black	16,330
1977	2181 – RX-462	314,525
	2184 – RX-466	323,110
	3227 – RX-611 Black	54,700
	Unknown Product type	19,600
1978	2181 – RX-462	10,400
	2184 – RX-466	261,200
	32AL – RX-611	20,365
	3227 – RX-611 Black	56,868

11. Between 1958 and 1978, did you or any predecessor entity have any contracts or agreements with any entity to provide, sell, or supply materials or products to *the Square D facility located in Cedar Rapids, Iowa*? If your answer is “yes,” identify:

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought. Without waiving the foregoing objections and subject to same, Responding Defendant states that it became generally aware of the hazards associated with asbestos exposure in the early 1970s through various media outlets. Thereafter, Responding Defendant issued warnings to its customers of its encapsulated asbestos-containing products, including but not limited to letters to customers and placement of warning labels on the packaging of such products. To the extent Plaintiff identifies a specific product, Responding Defendant will endeavor to respond hereto, subject to all objections and privileges. Investigation continues. Responding Defendant reserves the right to supplement this response.

13. Between 1978 and 1995, did you or any predecessor entity sell or deliver any material or products to *the Square D facility located in Springfield, Missouri*? If your Answer is "yes," identify:

- a. Type, brand name, full name, and complete trade name of each product sold and/or delivered to the facility;
- b. The dates on which each product identified in (a) was sold and/or delivered to the facility;
- c. Which products identified in (a) contained asbestos as any part, ingredient, or component;
- d. The type, grade, brand name, full name, and complete trade name of asbestos in each product identified in (a);
- e. The products package;

- f. Writing that appears on the product packaging including logos;
- g. Colors of products packaging and colors of writing, including logos, on product's packaging;
- h. Each entity from which you or any predecessor entity acquired each product identified in (a) for sale or delivery to the facility;
- i. Each warning which you provided with each product identified in (a) and
- j. All persons who were involved with or who have knowledge of the sale or delivery of each product identified in (a). Specify which person is the most knowledgeable concerning each product at the facility.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought. Without waiving the foregoing objections, Responding Defendant has made a diligent search of all relevant and available records and a reasonable inquiry in responding to this Interrogatory and has not identified any records of sales of Rogers products to the Square D facility located in Springfield, Missouri between 1978 and 1995. Given evidence regarding Plaintiff's work at the Square D facility located in Columbia, Missouri, the following records of sales were identified to that facility during the requested time period.

<u>Year</u>	<u>Product</u>	<u>Pounds Sold</u>
1979	RX-867 – Breaker Bases	Unknown
1980	RX-611 Green; Med and Soft flows for trial	Unknown
1981	RX-862 Black – Circuit Breaker Housing & Cover	Unknown

1982	"molding materials"	Unknown
1983	RX-466	104,000
1983	XA-40	Unknown

14. Between 1978 and 1995, did you or any predecessor entity have any contracts or agreements with any entity to provide, sell, or supply materials or products to *the Square D facility located in Springfield, Missouri*? If your answer is "yes," identify:

- a. The date of each contract or agreement;
- b. Each entity with which you or any predecessor entity had each agreement;
- c. The materials or products provided, sold, or supplied to each entity identified in (b) at each location;
- d. The name, address, job title, and employer of all persons who were involved with or who have knowledge of each contract or agreement. Specify which person is the most knowledgeable concerning each subject matter.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought.

15. With respect to any product you or any predecessor entity sold or distributed to *the Square D facility located in Springfield, Missouri*, between 1978 and 1995, did you or any predecessor entity ever provide to anyone any warning or caution (or like information) concerning the following:

- a. Asbestos or asbestos-containing materials/products;

(c) Asbestosis.

ANSWER:

Responding Defendant incorporates its Preliminary Statement and General Objections in response to this Interrogatory. Responding Defendant further objects to this Interrogatory as vague, overly broad, unduly burdensome, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Responding Defendant further objects to this Interrogatory because it is not sufficiently limited to a specific time, location, or product, and thus, seeks information that is wholly irrelevant to the present case. By way of further objection, Responding Defendant objects hereto as this Interrogatory seeks discovery of information and materials beyond the permissible scope of discovery. This Interrogatory does not seek information concerning a specific product produced by Responding Defendant. Instead, this Interrogatory seeks general investigative information concerning Responding Defendant. As such, this Interrogatory is overly broad, not particularized and such a response from Responding Defendant would create an inestimable amount of work to prepare, this Interrogatory is intended to create an unreasonable burden, and the burden is incommensurate with the results sought. Without waiving the foregoing objections and subject to same, Responding Defendant states that it became generally aware of the hazards associated with asbestos in the early 1970s through various media outlets; however, Responding Defendant does not recall when, if at all, it received information linking asbestos exposure to any specific disease.

Respectfully submitted,

ROGERS CORPORATION

By: /s/ William Irwin
William Irwin # 60378
Segal McCambridge Singer & Mahoney, Ltd
Willis Tower, Suite 5500
233 South Wacker Drive
Chicago, Illinois 60606
(312) 645-7800
(312) 645-7711 - fax
wirwin@smsm.com
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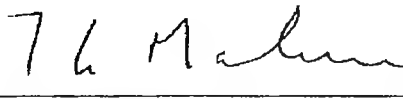
VERIFICATION OF TERENCE W. MAHONEY

STATE OF CONNECTICUT)
)
COUNTY OF WINDHAM) ss: Rogers, Connecticut

COMES NOW, TERENCE W. MAHONEY, who, after being first duly sworn, deposes and states under penalty of perjury, as follows:

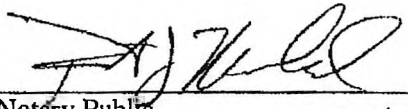
1. I am employed by Rogers Corporation. I am over eighteen years of age, have never been convicted of a felony, and am competent and authorized in all respects to make this verification. I make this verification with the assistance and advice of counsel and other representatives of Rogers Corporation.
2. My business address is Rogers Corporation, P.O. Box 188, One Technology Drive, Rogers, CT 06263-0188.
1. I am authorized to sign the forgoing Defendant Rogers Corporation's Responses to Plaintiff's Interrogatories in the matter of *Jeff Kovar v. Rogers Corporation, et al* in the Circuit Court, City of St. Louis, State of Missouri.
4. While I do not have personal knowledge of all the facts recited in the Responses, they were prepared at my direction, and are true to the best of my knowledge, information and belief, subject to inadvertent errors and limited by information not in possession or undiscovered. Consequently, defendant reserves the right to make any changes in the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

FURTHER AFFIANT SAYTH NAUGHT.



Terrence W. Mahoney
Rogers Corporation

SUBSCRIBED and SWORN to before me by the Affiant on this 13th day of June 2014.



Notary Public
My Commission expires 6/13/18

