

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MC LEAN

CATHERINE PRATT, Administrator	)	
of the Estate of Ronald Beyer, Deceased,	)	
and BARBARA BEYER,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	NO. 96 L 17
	)	
ABEX CORPORATION, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT, OWENS-ILLINOIS, INC.'S AMENDED AND
SUPPLEMENTAL RESPONSES TO PLAINTIFFS' INTERROGATORIES**

Defendant Owens-Illinois, Inc., without waiving any of its objections that were overruled by the Circuit Court on August 20, 1997, hereby provides its Amended and Supplemental Answers to Plaintiffs Interrogatories.

INTERROGATORIES

Q.1. State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer who has taken the "reasonable steps to search the 'corporate memory' of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporation agents" as required in Campen v. Executive House Hotel, Inc., 105 Ill.App.3d 576, 587 (1st Dist. 1982).

A.1. Owens-Illinois Glass Company was incorporated in the State of Ohio in 1929. Owens-Illinois Glass Company changed its name to Owens-Illinois, Inc. on April 28, 1965. Due to

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corporate restructuring in 1987, this defendant is now a Delaware Corporation. This defendant states that it has referred to the relevant business records of the Owens-Illinois Glass Company, which are still in the possession of Owens-Illinois, Inc., and to some of the documents produced by Owens-Corning Fiberglas Corporation in the asbestos litigation, in connection with the preparation of answers to these interrogatories unless otherwise indicated.

No single agent or officer has attempted to "search the 'corporate memory'" regarding the matters involved in these interrogatories. The efforts to investigate the Company's records or contact individuals with personal knowledge regarding those matters were conducted many years ago when the Company was first sued concerning asbestos-related claims. The investigations involved a variety of people, particularly members of the in-house legal staff of Owens-Illinois and outside counsel. It appears that the investigations were directed primarily by Michael E. McConnell, first as outside counsel and later as an in-house lawyer at Owens-Illinois. Mr. McConnell died in 1990. Owens-Illinois believes that no current Owens-Illinois employee participated in those investigations. Moreover, Owens-Illinois believes that no current Owens-Illinois employee ever had management responsibility for, or was an employee in, the Kaylo division before the division was sold to Owens Corning Fiberglas Corporation on or about April 30, 1958.

Q.9. If you were named or covered under any policy of insurance, which provides coverage for any claim stated in the complaint, state as to each such policy: the name of the company; the policy number; the effective period; the maximum liability limits; what amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available; whether the carrier denied coverage or tendered a defense under a reservation of rights; whether the policy contains any first party medical pay or disability coverage, and, if so,

describe the coverage; and which, if any, of the carriers listed in your answer is providing a defense to this suit.

A.9. This Defendant states that while the issues surrounding its insurance coverage for asbestos claims are complex, this particular case is not "covered under any policy of liability insurance" because the projected liabilities of Owens-Illinois are larger than its remaining insurance coverage. Owens-Illinois currently pays all its asbestos litigation costs out of its corporate revenues, although it expects that a certain portion of these costs to be reimbursed by certain insurance carriers.

Q.10. State the name and address of each person who has employed the lawyer(s) representing you in this case. **Illinois Supreme Court Rule of Professions Conduct 3.3 (a) (8).**

A.10. The lawyers representing Owens-Illinois, Inc. in this case are employed by Owens-Illinois, Inc.

Q.11. State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

A.11. Incorporating the limitation stated by Judge Dearborn in open court on August 20, 1997, this Defendant states that no current employee of Owens-Illinois who is responsible for the health of Owens-Illinois' employees possesses a medical degree.

Q.12. State the following about each current employee of Defendant who is an industrial hygienist: name, business address and job title.

A.12. Incorporating the limitation stated by Judge Dearborn in open court on August 20, 1997, Owens-Illinois identifies the following employees:

John Cantello, Corporate Manager

Owens-Illinois, Inc.
One SeaGate
Toledo, Ohio 43666

Steve Fuller, Supervisor of Technical Development
Corporate Safety & Health Department
Owens-Illinois, Inc.
3107 Sylvan Road
Atlanta, Georgia 30354

Bill Whelan, Senior Regional Safety & Health Administrator
Owens-Illinois, Inc.
201 Kane Street
Baltimore, Maryland 21224

Q.13. Has Defendant ever had one or more persons who primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

- (a) the name and address of the person;
- (b) the name of the position he or she held;
- (c) the dates during which he or she held the position;
- (d) the address of his or her office during the time he or she held the position;
- (e) state whether there was a written job description for that position at that time;
- (f) if there was a written job description, set forth the words of the description or attached a copy hereto.

A.13. (a)-(d) Charles Shook, M.D., now deceased, was employed by Owens-Illinois from March 25, 1946 until June 30, 1960 and had primary responsibility for monitoring the health of Owens-Illinois employees. Dr. Glenn Usher succeeded Dr. Shook for the period April 1, 1961 to December 31, 1969. Dr. George Bates held this responsibility from March 1, 1971 until his retirement on December 31, 1983. After December 31, 1983, Owens-Illinois did not have a full-time corporate medical director, although Dr. Bates has continued to provide part-time consulting services

since his retirement. All medical directors have maintained offices at Owens-Illinois, Inc. One Seagate, Toledo, Ohio 43604.

(e) Owens-Illinois has found in its business records two written job descriptions for the position of Corporate Medical Director, one dated in 1973 and the other dated in 1984. Copies of these descriptions will be furnished to Plaintiff's counsel upon request.

Q.15. Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;
- (d) the number of employees studied;
- (e) brief description of the study;
- (f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

A.15. (a) Based on the deposition testimony of its former industrial hygienist, Willis Hazard, Owens-Illinois believes that Kaylo plant employees received periodic x-rays in an attempt to monitor whether there was any effect of asbestos exposure upon the health of those employees. These x-rays did not demonstrate any asbestos-related disease.

(b) The program appears to have been in effect as early as 1948. Owens-Illinois has not found information sufficient to determine when this program ended, but Owens-Illinois sold the Kaylo division to OCF in April, 1958.

(c) The employees were from plants located in Berlin and Sayreville, New Jersey;

(d) Owens-Illinois has not found information sufficient to answer this portion of this interrogatory;

(e) See answer to (a) above; and

(f) See answer to (d) above.

Q.26. List the names and addresses of all other persons (other than person heretofore listed) who have knowledge of the facts of the occurrence and/or of the injuries and damages claimed to have resulted therefrom. **ISC Form Int. 25.**

A.26. Incorporating Judge Dearborn's definition of "the occurrence" as the alleged conspiracy, this Defendant maintains its denial of the existence of any conspiracy involving this Defendant. Accordingly, this defendant has no knowledge of names and addresses of the purported "facts" of the alleged conspiracy. This defendant has no knowledge of any person, other than disclosed witnesses and undisclosed consulting experts, who has knowledge of the facts of the injuries or damages claimed by the plaintiff.



Matthew J. Fischer
SCHIFF HARDIN & WAITE
7200 Sears Tower
Chicago, Illinois 60606
(312) 258-5591

Attorneys for OWENS-ILLINOIS, INC.

STATE OF ILLINOIS
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COUNTY OF MC LEAN

CLARICE MILLER, Individually, and)
CLARICE MILLER and VAN MILLER, as)
Co-Special Administrators of the Estate of)
Ralph Miller, Deceased,)

Plaintiffs,)

v.)

OWENS-CORNING, et al.,)

Defendants.)

NO. 95 L 360

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 1997, I served a copy of Defendant Owens-Illinois' Amended and Supplemental Responses to Plaintiffs' Interrogatories on all attorneys listed on the attached service list, by depositing same in the United States Mail in Chicago, Illinois, postage prepaid.

SCHIFF HARDIN & WAITE



Matthew J. Fischer
7200 Sears Tower
Chicago, Illinois 60606
(312) 258-5500
Firm No. 1437

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SERVICE LIST

Attorney for Plaintiffs:

James Walker
James Walker, Ltd.
P.O. Box 3455
Bloomington, Illinois 61702-3455

Attorneys for Charter:

John E. Frey
David A. Korn
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive
Chicago, Illinois 60606-1229

Attorneys for Great Lakes Carbon:

Philip M. O'Donnell
Steven A. Wakeman
Kingery Dupree Wakeman & Ryan, Assoc.
915 Commerce Bank Building
Peoria, Illinois 61602

Attorneys for Met Life:

Edward M. Crane
Mark E. Rakoczy
Skadden, Arps, Slate, Meagher & Flom
333 West Wacker Drive
Chicago, Illinois 60606

Attorneys for PCC:

Kristine Kraft
Polsinelli, White, Vardeman & Shalton
100 S. Fourth Street, Suite 1110
St. Louis, Missouri 63102

Attorneys for ICRR:

Thomas Peters
Mark R. Kurz
Gundlach, Lee, Eggmann, Boyle & Roessler
5000 West Main Street
Box 23560
Belleville, Illinois 62223-0560

Attorneys for Grefco:

Robert Spitkovsky
Johnson & Bell, Ltd.
222 North LaSalle Street
Suite 2200
Chicago, Illinois 60601

Attorneys for Abex Corporation & Abex, Inc.:

Robert W. Scott
Timothy Swain
Swain, Hartshorn & Scott
411 Hamilton Boulevard
Suite 1806
Peoria, Illinois 61602-1104

Attorneys for Raymark:

Mark E. Liabo
Tom Riley Law Firm
4040 First Avenue, N.E.
Cedar Rapids, Iowa 52402

CH13:147736.1 10.03.97 15.33

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SCHIFF HARDIN & WAITE
7200 Sears Tower
Chicago, Illinois 60606
(312) 258-5591

Attorneys for OWENS-ILLINOIS, INC.

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CATHERINE PRATT, Administrator of the)	
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v.)	NO. 96 L 17
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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 1997, I served a copy of Defendant Owens-Illinois' Amended and Supplemental Responses to Plaintiffs' Interrogatories on all attorneys listed on the attached service list, by depositing same in the United States Mail in Chicago, Illinois, postage pre-paid.

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7200 Sears Tower
Chicago, Illinois 60606
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Firm No. 1437

SERVICE LIST

Attorney for Plaintiffs:

James Walker
James Walker, Ltd.
P.O. Box 3455
Bloomington, Illinois 61702-3455

Attorneys for Charter:

John E. Frey
David A. Korn
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive
Chicago, Illinois 60606-1229

Attorneys for Great Lakes Carbon:

Philip M. O'Donnell
Steven A. Wakeman
Kingery Dupree Wakeman & Ryan, Assoc.
915 Commerce Bank Building
Peoria, Illinois 61602

Attorneys for Met Life:

Edward M. Crane
Mark E. Rakoczy
Skadden, Arps, Slate, Meagher & Flom
333 West Wacker Drive
Chicago, Illinois 60606

Attorneys for PCC:

Kristine Kraft
Polsinelli, White, Vardeman & Shalton
100 S. Fourth Street, Suite 1110
St. Louis, Missouri 63102

Attorneys for ICRR:

Thomas Peters
Mark R. Kurz
Gundlach, Lee, Eggmann, Boyle & Roessler
5000 West Main Street
Box 23560
Belleville, Illinois 62223-0560

Attorneys for Grefco:

Robert Spitkovsky
Johnson & Bell, Ltd.
222 North LaSalle Street
Suite 2200
Chicago, Illinois 60601

Attorneys for Abex Corporation & Abex, Inc.:

Robert W. Scott
Timothy Swain
Swain, Hartshorn & Scott
411 Hamilton Boulevard, Suite 1806
Peoria, Illinois 61602-1104

Attorneys for Raymark

Mark E. Liabo
Tom Riley Law Firm
4040 First Avenue, N.E.
Cedar Rapids, Iowa 52402

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