

FILE NAME: Premix-Marbletite (PMM)

DATE: 2012 Aug 20

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DOCUMENT DESCRIPTION: Legal - Answers to Plaintiff's Master Interrogatories

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

ASBESTOS LITIGATION

CASE NO. 12-15235 CA 42

ALAN J. HANTAK and PATRICIA J.
HANTAK,

Plaintiffs,

v.

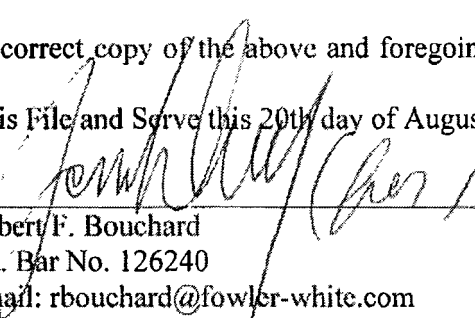
ABB, INC., et al.,

Defendants.

**NOTICE OF SERVICE OF ANSWERS OF DEFENDANT PREMIX-MARBLETITE
MFG. CO. TO PLAINTIFFS' MASTER INTERROGATORIES DIRECTED TO ALL
DEFENDANTS**

Defendant, Premix-Marbletite Mfg. Co., by and through its undersigned attorneys, herein gives notice of serving objections and responses to Plaintiffs' Master Interrogatories directed to all Defendants.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served on counsel for all parties via Lexis Nexis File and Serve this 20th day of August, 2012.


Robert F. Bouchard
Fla. Bar No. 126240
Email: rbouchard@fowler-white.com

FOWLER WHITE BURNETT, P.A.
Espirito Santo Plaza, Fourteenth Floor
1395 Brickell Avenue
Miami, Florida 33131
Telephone: (305) 789-9200
Facsimile: (305) 789-9201

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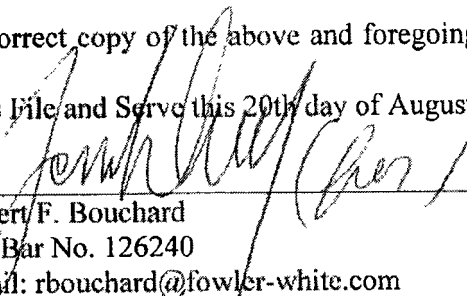
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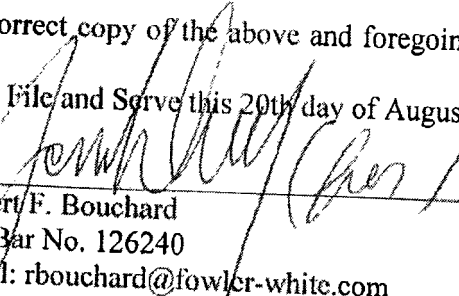
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1395 Brickell Avenue
Miami, Florida 33131
Telephone: (305) 789-9200
Facsimile: (305) 789-9201

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

ALAN J. HANTAK and
PATRICIA HANTAK, his wife.

Plaintiffs,

ASBESTOS LITIGATION

CASE NO.: 12-15235 CA 42

vs.

ABB, INC., et al.

Defendants.

**DEFENDANT PREMIX MARBLETITE MANUFACTURING CO.'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S MASTER PRELIMINARY INTERROGATORIES**

Defendant PREMIX MARBLETITE MANUFACTURING CO. ("PREMIX") or
"Defendant") hereby responds to Plaintiff's Master Preliminary Interrogatories (collectively
"Plaintiff's Discovery" and individually "Interrogatory") as follows:

PRELIMINARY STATEMENT

The following responses are based upon the information that is presently known and available to PREMIX based upon a reasonable investigation. PREMIX believes that these responses are accurate as of the date made. However, many of the matters inquired about in Plaintiff's Discovery took place decades ago, therefore, information may be incomplete or no longer available due to the passage of time. Although PREMIX has endeavored to conduct a reasonable investigation, PREMIX cannot exclude the possibility that its continued investigation may reveal more complete information. Consequently, PREMIX's investigation of the matters inquired into by Plaintiff's Discovery continues and, to the extent appropriate, PREMIX reserves the right to revise and/or supplement its responses.

Plaintiff's Discovery is compound in some instances, vague and has overlapping subject

matters. There may be hundreds of persons who may have knowledge of some of the subject matters. However, many of the persons who may have had knowledge of the particular facts, events or subject matters inquired into in Plaintiff's Discovery may be deceased or cannot be located. There are others, not currently in the employ or under the control of PREMIX, who cannot be compelled to assist in the preparation of responses to Plaintiff's Discovery. Moreover, due to the extensive time periods covered by Plaintiff's Discovery, the persons who may have had knowledge of the particular fact or event may not be able to recall or reconstruct the extent of their knowledge.

Furthermore, Plaintiff's Discovery designates extensive periods of time or requests information without any limitation or specification of particular periods of time, and consequently the entire set is overly broad, unduly burdensome and oppressive. As a result of the failure to specify relevant time periods, most of Plaintiff's Discovery fails to distinguish relevant from irrelevant matter, and calls for PREMIX to provide responses concerning events and records spanning a period of many decades. This information is not of sufficient relevance or materiality to this case to justify the great expense and burden that would be involved in its collection, if in fact such information exists.

Therefore, PREMIX's responses are, unless otherwise noted, limited to the period of time consistent with Plaintiff's exposure allegations in this case, and Plaintiff's deposition testimony concerning product identification specifically up to and including 1978. PREMIX's responses should not be construed as an admission that Alan J. Hantak worked with or around products manufactured, sold, or distributed by PREMIX.

The information supplied in these responses is not based solely upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged. The language, sentence structure and word usage may be that of the

attorney who in fact prepared these objections and answers and does not purport to be the exact language of the executing party.

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

- A. PREMIX objects to Plaintiff's Discovery to the extent they (1) are vague, ambiguous, harassing, oppressive, unduly burdensome and overbroad, and/or (2) seek information that is not relevant to this lawsuit or are not reasonably calculated to lead to the discovery of admissible evidence.
- B. PREMIX does not concede that any of its answers to Plaintiff's Discovery are or will be admissible evidence at a trial of this action. PREMIX does not waive any objection on any ground, whether or not asserted herein, to the use of any such answer at trial.
- C. PREMIX objects to the definitions contained in Plaintiff's Discovery to the extent they render Plaintiff's Discovery vague, ambiguous, overbroad, and/or unduly burdensome. PREMIX further objects to the Instructions, Definitions, and Interrogatories to the extent that they attempt to impose obligations on PREMIX that are beyond the obligations imposed by the Florida Rules of Civil Procedure. In responding to Plaintiff's Discovery, PREMIX will use the commonly understood, everyday meanings of the terms used. The breadth and volume of the definitions Plaintiffs seek to propound would complicate tremendously the task of responding to Plaintiff's Discovery.
- D. PREMIX objects to Plaintiff's Discovery to the extent it seeks information and/or documents that are protected by any privilege or protection, including but not limited to the attorney-client privilege, the joint-defense privilege and/or the work product doctrine. PREMIX hereby asserts all applicable privileges and protections with respect to such information and/or documents. To the extent any Interrogatory calls for, or may be read to encompass, work performed by or information received from experts retained by PREMIX in order to defend itself in this or other litigation, PREMIX objects to such Interrogatory. PREMIX will make appropriate disclosures regarding expert witnesses in accordance with applicable rules and orders.
- E. PREMIX objects to these Interrogatories to the extent that they are seeking the production of information that PREMIX treats as confidential, as a trade secret, or as proprietary.
- F. PREMIX objects to these Interrogatories to the extent that they assume PREMIX still has, or should, in the ordinary course of business still have, records relating to a time period of over 40 years.
- G. PREMIX objects to these Interrogatories to the extent that they are repetitious and duplicative.
- H. PREMIX objects to Plaintiff's Discovery because they are irrelevant, vague, overly broad

in time and scope and nothing more than a prohibited fishing expedition. Plaintiffs have not reasonably tailored the Interrogatories to the products, time period or work sites at issue in this case. Therefore, the Interrogatories are unduly burdensome and seek information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The effect of the Interrogatories are to improperly shift the burden of proof.

- I. PREMIX objects to the Interrogatories as defendant has not been provided with sufficient information by plaintiffs to enable it to respond these discovery requests. The plaintiffs have not sufficiently identified any product(s) that allegedly were sold by PREMIX and that Plaintiff claims were a substantial causative factor in producing Decedent's alleged asbestos-related disease.
- J. PREMIX specifically reserves the right to amend these answers if new or more complete information becomes available or if inadvertent errors are discovered.
- K. PREMIX expressly reserves all objections to the confidentiality, admissibility, authenticity, or relevancy of any documents produced or information provided.
- L. PREMIX objects to Plaintiff's Discovery as being overly broad and unduly burdensome, *inter alia*, to the extent it seeks information relating to cases that have not been filed.
- M. PREMIX objects to Plaintiff's Discovery as overly broad, unduly burdensome and oppressive to the extent that it requests information which is not within the personal knowledge or possession or control of PREMIX, its employees or agents, or which can only be attempted to be ascertained or derived through a burdensome review of existing voluminous documents. There is no compilation, abstract or summary relating to Plaintiff's Discovery and the burden of deriving or ascertaining the response to most of Plaintiff's Discovery is substantially the same for the party propounding the discovery as it is for PREMIX.
- N. PREMIX objects to each Interrogatory set forth below because they are designed to be propounded indiscriminately to every Defendant without any attempt to tailor each Interrogatory to any individual defendant based on Plaintiff's knowledge of that defendant's business or Alan J. Hantak's alleged exposure. As such they are overly broad, unduly burdensome and oppressive. The failure to limit Plaintiff's Discovery to information related to PREMIX's alleged liability in this case renders Plaintiff's Discovery as a whole irrelevant to the subject matter of these actions, and not reasonably calculated to lead to the discovery of admissible evidence.
- O. To the extent that it is deemed that PREMIX's rights have been adjudicated in prior proceedings relating to Plaintiff's Discovery, PREMIX incorporates all arguments and objections asserted by any defendants in such proceedings.
- P. PREMIX further objects to Plaintiff's Discovery to the extent the interrogatories greatly exceed the permissible number under Rule 1.340 of the Florida Rules of Civil Procedure. Defendant further objects to Plaintiff's "Instructions" to the extent they seek to impose

**DEFENDANT'S ANSWERS TO PRELIMINARY
INTERROGATORIES**

1. Data Sources

Please identify each person with whom you consulted or who provided information used in answering these Interrogatories on behalf of Defendant. Additionally, provide the subject matter category that each person provided information for from the following categories if appropriate:

1. Corporate History
2. Product Information
3. Warnings/Knowledge of Potential Danger/State of the Art/Testing/Medical or Scientific

Identify each person's:

- A. Address;
- B. Position with the Defendant;

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows:

The information of regarding the above-referenced categories is provided by:

**Howard L. Ehler, Jr.
Vice President
Premix-Marbletite Mfg. Co.
1259 N.W. 21st Street
Pompano Beach, Florida 33069**

In addition, the answers to these Interrogatories are derived from: the deposition of John Cowie and Answers to Interrogatories and attachments thereto signed by Luis Gutierrez (copies of which are attached hereto as Exhibit Nos. 1 and 2, respectively). In addition,

answers to these Interrogatories are gleaned in part from the documents attached as exhibits as Exhibit 3.

2. Corporate Information

Please state the following:

A. This defendant's correct corporate name;

Premix-Marbletite Manufacturing Co.

B. The state of your incorporation;

Florida

C. The address of your principal place of business;

**1259 N.W. 21st Street
Pompano Beach, Florida 33069**

D. The dates and time period during which defendant held a certificate of authority to do business in the state of Florida;

Defendant is a Florida Corporation

E. The dates and time period during which defendant regularly conducted business in Florida.

1956 to present.

3. **Corporate History**

Describe in detail Defendant's complete corporate or business history for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products, including dates of incorporation, mergers, consolidations, reincorporation, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products. In addition:

- A. If defendant or any of its predecessors or subsidiaries at any time purchased or assumed any of the assets and/or liabilities of any corporation or entity which at any prior time engaged in the manufacturing or sale of asbestos-containing products, then please state the following as to each acquisition:
 - 1. The name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
 - 2. The manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
 - 3. The date of each such acquisition;
 - 4. The state in which each such acquisition was effected;
 - 5. The state law governing each such acquisition if specified by contract; and
 - 6. How the business or financial interest in that corporation or entity ended, if it ended. (e.g. dissolved the company, sold all stock, placed subsidiary in bankruptcy, etc.)
- List all states where entity is or was registered to do business, including the dates of registration for each state.

Answer:

Premix-Marbletite Products, Inc. And Premix-Marbletite Sales Co., Inc. merged with Premix-Marbletite Products, Inc. being the surviving corporation effective March 31, 1972. Also at that date, the name was changed to the current Premix-Marbletite Manufacturing Co.

4. Asbestos/Mining

Did Defendant, prior to 1980, engage in the mining, milling and/or subsequent sale of asbestos fiber? If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason- why;
- E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos (Yes or No)?

If Yes state the geographical area into which you claim the asbestos was sold;
and,
- F. Identify the organizational unit of Defendant so engaged.
- G. Type of asbestos mined.

H. Managers of each mine and years of service.

I. Identify sales and shipment records from each mine.

Answer:

No, Premix Marbletite Manufacturing Co. has never engaged in mining, milling and/or subsequent sale of asbestos fiber.

5. **Asbestos/Manufacture**

Has Defendant at any time, engaged in the manufacture of any asbestos containing product?
If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos containing products {Yes or No)?

If Yes state the geographical area into which you claim your asbestos containing products were sold; and,

- F. Identify the organizational unit of Defendant so engaged.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows:

Yes, based on review of the Exhibits attached to these answers to interrogatories, this Defendant has manufactured asbestos containing products in the time periods that are reflected in the Exhibits to these answers to Interrogatories.

Premix Marblite Mfg. Co. distributed asbestos containing products throughout South Florida's building material dealers. See Exhibit No. 2, specifically Response to Interrogatory No. 15 (a).

6. **Asbestos/Sales**

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product? If so, please state:

- A. The date such activity began;
- B. The years during which such activity took place;
- C. The date when such activity was terminated;
- D. If such activity was terminated, the reason why;
- E. Within the United States was there any geographic limitation which you claim was applicable to your sales of asbestos containing products (Yes or No)?

If Yes state the geographical area into which you claim you sold asbestos containing products; and,

- F. Identify the organizational unit of Defendant so engaged.
- G. Identify all sales managers and the years during which they served.

Answer:

Please see answer to Interrogatory No. 5.

7. Asbestos/Distributor

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant, or the associated business entity so engaged.
- E. Within the United States was there any geographic limitation which you claim was applicable to each distributor and/or wholesaler (Yes or No)?

If Yes state the geographical area which you claim was applicable to each distributor and/or wholesaler; and,

- F. Whether there was a written distributorship agreement;
- G. Whether the distributorship was exclusive;
- H. Identify all documents pertaining to the distributor or wholesaler relationship and the custodian thereof;

- I. The ratio of sales to distributors compared to direct sales to consumers.
- J. List of sales records or shipments to each distributor or wholesaler.

Answer:

No.

8. Asbestos/Rebranding

Has Defendant at any time, engaged in the rebranding of asbestos containing products manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's original trade and/or brand name;
- C. Who performed the physical rebranding and where it was accomplished;
- D. The years during which such activity took place;
- E. Brand name and/or trade name after the product was rebranded;
- F. User or seller of the product after rebranding;

- G. Identify the organizational unit of Defendant so engaged.

Answer:

No.

9. Asbestos/Sales to Manufacturer

Has Defendant at any time, engaged in the sale of asbestos containing products to an unrelated business entity that was engaged in the manufacture of asbestos containing products? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name that was sold;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant so engaged.
- E. List each sales office of your asbestos-containing products and for each please state:
 - (1) Name and address;
 - (2) Geographical areas for which each sales office was responsible;
 - (3) Identify all managers and the years during which they served;

- (4) Identify all sales personnel and the years during which they served, and describe each person's sales jurisdiction or responsibility;
- (5) Identify sales records or shipment records for each sales office and the custodian thereof.

Answer:

No.

10. Asbestos/Sales to Government or Government Agencies

Did this Defendant ever sell or cause to be sold any of its asbestos-containing products to (1) the United States Government; (2) the United States Air Force; (3) Army Air Force; (4) United States Army; (5) United States Navy; (6) United States Marine Corps; (7) General Services Administration; (8) Department of Defense; or (9) or any other agency operated by the United States Government? If so, please provide the following:

- A. The names and last known address of the governmental agency;
- B. Whether there was a written contract or sales agreement;
- C. Identify all documents pertaining to the governmental contracts or agreements and custodian of said documents;
- D. Whether the formula used for the manufacture of the product was the same as the formula used for the manufacture, sale or distribution of the product to non-governmental customers;
- E. The extent to which sales to governmental agencies were handled through distributors or wholesalers as opposed to direct sales by Defendant;
- F. The extent to which the physical appearance of the product sold or distributed to a governmental agency differed from the physical appearance of the product sold or distributed to non-governmental customers;

- G. The extent to which the packaging and/or labelling of the product sold or distributed to a governmental agency differed from the packaging or labelling of the product sold or distributed to non-governmental customers;
- H. Identify Sales and shipment records for each governmental agency and the custodian thereof.

Answer:

To the best of Defendant's knowledge and based upon a reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

11. Asbestos/Sales Through Licensees

If any of this Defendant's asbestos-containing products reached the consumer through licensees, please provide the following:

- A. The names and last known address of licensees;
- B. The years each licensee was licensed to sell, distribute or manufacture this Defendant's asbestos-containing products;
- C. Within the United States was there any geographic limitation which you claim was applicable to each licensee (Yes or No)?

If Yes state the geographical areas for which each licensee was permitted to sell, manufacture or distribute this Defendant's asbestos-containing products; and,

- D. Describe the terms and conditions of each licensee agreement entered into between this Defendant and licensee insofar as manufacture, sale, and distribution of asbestos-containing products;
- E. List of products each licensee was permitted to sell or manufacture;
- F. Identify all documents pertaining to the licensee relationship and the custodian thereof;
- G. Whether or not sales to consumers in each area were made exclusively through licensee.

Answer: Not applicable.

12. **Asbestos/Facilities**

For the period 1920 to date, or during the period that Defendant mined, manufactured, sold or distributed asbestos containing products, whichever period is less, state the following regarding each facility that was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for asbestos containing products;

- A. The name and address of the building, mine, mill or facility;
- B. The inclusive dates the facility was in operation; and,
- C. The function of the facility (e.g., manufacturing, warehousing, mine, sales office, etc.)
- D. Plant managers and years of management;
- E. Name and type of asbestos-containing products manufactured or processed at each facility;
- F. Identify shipment records for each facility and the custodian thereof;
- G. If asbestos was mined and sold to any other entity besides this Defendant, please provide list of those entities.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: Defendant manufactured asbestos containing products at 3009 NW 75th Avenue, Miami, Florida 33122 and in a facility located at 520 Wade Street, Winter Springs, Florida 32708.

13. **Answering Defendant's Asbestos Containing Products**

Using the format set out below, answer the following interrogatory. The main purpose of this interrogatory is to first, obtain basic information concerning asbestos-related products with which the answering defendant and its associated business entities were involved, and second, to identify the number of "Interrogatory Response Sheets" the answering defendant must complete.

Provide the following information for each asbestos-containing product with which this answering defendant was involved:

- A. The name of the associated business entity so involved;
- B. The Product Trade Name of the asbestos product(s) with which the entity was involved (See the definition of "Product Trade Name" at interrogatory number 14(B));
- C. The type(s) of involvement the entity had with asbestos-containing products (See the definition of "involvement" at interrogatory number 14(E));
- D. Identify the inclusive years of each type of product involvement (e.g., If the entity manufactured and distributed the product, list both types of involvement and the years that correspond to such involvement);

Use the following format. Please work through all of the asbestos-containing products with which one associated business entity was involved before working through all of the asbestos-containing products with which a different associated business entity was involved.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this

Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: the Exhibits attached hereto provide information concerning any and all asbestos containing products. There is no current employee of Premix Marbletite Mfg. Co. that has any other information other than what is contained in the Exhibits attached hereto.

FORMAT

(Repeat this format for each product with which each associated business entity was involved)

(a)	(b)	(c)	(d)
Associated	Product	Types(s)	Years of Each
<u>Business Entity</u>	<u>Trade Name</u>	<u>of Involvement</u>	<u>Type of Involvement</u>

EXAMPLE

(a)	(b)	(c)	(d)
Associated	Product	Type(s)	Years of Each
<u>Business Entity</u>	<u>Trade Name</u>	<u>of Involvement</u>	<u>Type of Involvement</u>
Company Q	*Product E	Manufacturer	1957-1973
		Distributor	1957-1973
		Labee	1957-1973
		Rebrander	1960-1965

(a)	(b)	(c)	(d)
Associated	Product	Type(s)	Years of Each
<u>Business Entity</u>	<u>Trade Name</u>	<u>of Involvement</u>	<u>Type of Involvement</u>
Company R	*Product F	Rebrandec	1953-1962
		Labee	1957-1973

(a)	(b)	(c)	(d)
-----	-----	-----	-----

Associated <u>Business Entity</u>	Product <u>Trade Name</u>	Type(s) <u>of Involvement</u>	Years of Each <u>Type of Involvement</u>
Company R	* Product E	Rebrandee	1960-1965

- * Note that if different entities are involved with the same asbestos-containing products the asbestos-containing product is to be addressed in the responses for each such business entity, including the answering defendant if applicable.

14. **Product Information**

Following this page is a "Interrogatory Response Sheet" and definitions, examples and instructions dealing with the completion of this question.

For each and every asbestos-containing product with which you were involved, as previously identified in responding to the previous interrogatory, please answer the following.

A separate response is to be provided to this question for each and every asbestos-containing product with which the responding defendant was involved.

If different entities were involved with the same asbestos-containing products the asbestos-containing product is to be addressed in a response to this question for each such business entity, including the answering defendant if applicable.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: See Answer to Interrogatory No. 13.

INTERROGATORY RESPONSE SHEET

- A. Associated Business Entity
- B. Product Trade Name
- C. Product Generic Name
- D. Generic Product Type
- E. Product Involvement(s)
- F. (1) Approximate Asbestos
Content By Weight _____ to
Type of Asbestos by %
- (2) Approximate Asbestos
Content By Volume _____ to
Type of Asbestos by % .
- G. Product Years. _____
- H. Intended Uses
- I. Manufacturing Sites _____

- J. Sizes to _____ to

K. Product Color(s) _____

L. Product Packaging _____

M. Geographic Limitation (Yes/No)?

If Yes, Shipments

Northeast

MA NH ME NY VT RI CT

Mideast

OH VA WV KY

Southeast

FL NC SC TN AL GA MS

Southwest

TX CO NM MT AR AZ LA OK

Midwest

MI IL IN MO WI MN ND SD WY NB KA IA

West

CA NV OR ID WA MT HI AK

East

PA DE NJ MD DC

Other

VI GU PR

N. Product Literature _____

O. Product Picture(s).

P. Package Picture(s) _____

Q. Product Sample

R. Trademark Name(s)

S. Patent Number(s)

T. Product Alteration

A. Associated Business Entity

Definition:

The name of the business entity as identified in the previous Interrogatory that had any involvement (as defined in Subpart E) with the asbestos-containing product.

Example:

Associated Business Entity The Ruberoid Co.
Associated Business Entity Baldwin-Hill Company
Associated Business Entity None

Instructions:

Complete this interrogatory with the name of an Associated Business Entity that corresponds to this product as disclosed in the previous Interrogatory. Where the answering defendant, rather than an Associated Business Entity, was involved with this asbestos-containing product, type "none" on this line.

B. Product Trade Name

Definition:

The full name of the asbestos containing product by which it was marketed. Generally, this would be the name of the product as it appeared on the product, its packaging or its promotional material. Where all, or part of the product name is trademarked, that name should be included in the product trade name.

Instructions:

Where a product trade name represents more than one product, or a line of products, complete separate "Interrogatory Response Sheets" for each such product to the extent reasonable and necessary so as to provide as much information as possible regarding each such product or product line. Where information concerning more than one product or a product line is condensed on one "Interrogatory Response Sheet", explain, on a separate sheet of paper why you did so.

Examples:

Product Trade Name BEH Super Powerhouse Cement

Product Trade Name Gold Bond Asbestone Economy 250

Product Trade Name K-Fac Insulation Blocks

Product Trade Name Armstrong Accobest AS-8073

Product Trade Name Armstrong Accobest AS-474

Further Instructions:

Where the product name is "generic", that is, it does not have a trade name by which it was sold, then list the product's generic name but preface the generic name with the name of the entity most closely associated with that generic product. The entity most closely associated with that product would be the entity's name that would appear with the product, product package, or product promotional literature.

If no such association exists, then the name of the manufacturer of that generic product should be used.

Further Examples:

Product Trade Name Ruberoid Asphalt Saturated Asbestos

Weatherproof Jacket

Product Trade Name Amatex Asbestos Woven Tape

Product Trade Name Armstrong Perforated Asbestos Board
Product Trade Name Celotex Perforated Asbestos Board

C. Product Generic Name

Definition:

The name by which this type or species of product was routinely called. Generally, this name would be the generic name of a product (without the name of the entity most closely associated with that generic product).

Examples:

Product Trade Name Careystone Asbestos-Cement Siding
Product Generic Name Asbestos Cement Siding

Product Trade Name Gold Bond Asbestone Economy 250
Product Generic Name Corrugated Siding and Roofing

Product Trade Name K-Fac Insulation Block
Product Generic Name Insulation Block

Product Trade Name Armstrong Perforated Asbestos Board
Product Generic Name Perforated Asbestos Board

D. Generic Product Type

Definition:

The name by which this group of products was most routinely called.

Examples:

Product Generic Name Insulating Cement
Product Category Cement

Product Generic Name Corrugated Siding and Roofing
Product Category Roofing/Siding

Product Generic Name Hi-temp Block
Product Category Block

Product Generic Name Perforated Asbestos Board
Product Category Board

Further Instructions:

To the extent reasonable, the following categories of products should be used. Where a product fits as readily in one category as another (e.g., corrugated siding and roofing), both categories can be listed as is shown above.

CATEGORIES				
Adhesive	Cement Sheets	Friction	Paper	Talce
Automotive Brake	Cement Shingles	Gaskets	Pipe Covering	Tape
Automotive Clutch	Cloth	Home Use	Plaster	Textiles
Block	Clothing	Hot Tops	Refractory	Wallboard
Board Covering	Cord	Lumber	Rollboard	Wall
Boiler Cement	Cork Products	Millboard	Roofing	Wick
Cable	Electrical Products	Non Automotive Brake	Rope	Wire
Cement	Felts	Non Automotive Clutch	Siding	
Cement Board	Fiber	Packing	Spray Materials	

Cement Pipe	Floor Tile	Paint	Spackling	
-------------	------------	-------	-----------	--

If none of the above categories are appropriate, note "other" and use your own words to describe the category of product,

E. Product Involvement(s)

Definition:

Any involvement, association, or relationship you had with an asbestos containing product as a miner of asbestos, manufacturer of an asbestos containing product, seller of an asbestos containing product, distributor of an asbestos containing product, rebrander of an asbestos containing product, rebrandee of an asbestos containing product, labeler of an asbestos containing product, labelee of an asbestos containing product, or some other relationship.

Further Definitions:

A miner of an asbestos containing product is any entity that takes asbestos from the earth for commercial sale or distribution.

A manufacturer of an asbestos containing product is any entity that manufactures any product that incorporates asbestos into that product, or who in any way processes or packages asbestos or an asbestos containing product.

A distributor of an asbestos containing product is any entity who ships or in any way directs shipments of an asbestos containing product.

A rebrander of an asbestos containing product is any entity that manufactures processes, or packages asbestos or an asbestos containing product but which places the name of another entity or the name of a product with which another entity is involved on that product or product package.

A rebrandee of an asbestos containing product is any entity for which asbestos or an asbestos containing product is manufactured, processed, or packaged by another entity, which other entity places the name of the rebrandee or the name of a product with which the rebrandee is involved on the product or product package.

A labeler of asbestos or an asbestos containing product is any entity that places its business name anywhere on an asbestos containing product or package that it manufactures, distributes, sells or rebrands for itself or any entity.

A labelee of asbestos or an asbestos containing product is any entity for whom its business name is placed anywhere on an asbestos containing product or package that is manufactured, sold, or rebranded by any entity.

Some other association or relationship with an asbestos containing product other than as a miner, manufacturer, distributor, rebrander, rebrandee, labeler or labelee.

Instructions:

For each asbestos containing product with which you were in any way involved, indicate the type or types of relationships you had at any time with that product, noting on line E the code or codes for such relationship. These involvements should be the same as were listed in the previous interrogatory.

Use the following codes:

Miner (Mr) Rebrander (Rr) Labeler (Lr) Distributor (Dr)
Manufacturer (Mf) Rebrandee (Re) Labelee (Le) Other (Ot)

Examples:

Product Involvements Mf Rf Lr Dr

Product Involvements Dr

F. **(1.) Approximate Asbestos Content by Weight** _____ to _____

Type of Asbestos by %

Definition:

The usual weight of the asbestos in the product divided by the total weight of the product expressed as a percent. Additionally, provide a listing of all types of asbestos, including contaminants found in the product, as supplied to end users and for each type provide the percentage by weight of each type per unit of product.

Instructions:

Where the asbestos content has varied to any significant degree over time in a particular product, indicate the range of asbestos content in the appropriate section of the answer. If little change occurred over time, write "N/A" in those sections.

In the first part of the answer, whether or not the asbestos content varied, indicate what you believe would be the usual, most representative content over time. In the second part of the answer, note the range of asbestos content over time.

When stating the percent of asbestos by weight, exclude any water added as part of the formulation and in application of the product.

Use the following two letter codes when responding to this interrogatory:

- Cy for chrysotile
- Am for amosite
- Cr for crocidolite
- Tr for tremolite
- Ot for any other type of asbestos
- N/A for not applicable

Example:

Approximate Asbestos Content by weight 10% | N/A to N/A
Approximate Asbestos Content by weight 10% | 3% to 12%

Type of Asbestos by % Cy - 10%, Tr - 1%

(2) **Approximate Asbestos Content by Volume** ____|____ to

Type of Asbestos by %

Definition:

The usual volume of the asbestos in the product divided by the total volume of the product expressed as a percent. Additionally, provide a listing of all types of asbestos, including contaminants found in the product, as supplied to end users and for each type provide the percentage by volume of each type per unit of product.

G. Product Years | | | | | |

Inclusive dates of all types of involvement with the asbestos containing product, expressed in years.

Instructions:

Indicate in the first half of the space, the year you, or the relevant associated business entity first became involved with the asbestos containing product. On the second half of the space, indicate the last year of involvement with that asbestos containing product.

If the involvement with the asbestos containing product was not continuous through all years, use the additional spaces provided to represent such years of involvement.

If the involvement with an asbestos containing product lasted for only one year or part of one year, note the same year in both halves of the space. If the involvement continues to this time, note "P" for present in the appropriate space.

Type: N/A | N/A (not applicable) on any unused spaces.

Example:

Product Years	<u>1948</u>	<u>1972</u>	<u>1975</u>	<u>1975</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Years	<u>1936</u>	<u>1953</u>	<u>1955</u>	<u>1963</u>	<u>1966</u>	<u>1970</u>	<u>1972</u>	<u>P</u>

H. Intended Uses

Definition:

Provide any limitations on the intended use of the product, including the temperature ranges for which the product was recommended.

I. Manufacturing Sites: _____

Definition:

All locations and time periods at and during which the product was manufactured during your involvement with the product.

Instructions:

On the first half of the line indicate the city and state, or city and province or the like, at which the product was manufactured.

On the second half of the line, indicate the inclusive years of manufacture.

Example:

Manufacturing Sites	<u>Norfolk, VA 1940-1970</u>
Manufacturing Sites	<u>Milwaukee, WI 1962-1969</u> <u>Peoria, IL 1967-1973</u>
Manufacturing Sites	<u>Glendale, IL 1967-1970</u> <u>Glendale, IL 1972-1976</u>
Manufacturing Sites	<u>Conrad, UT 1936-1942</u> <u>Ida, IL 1942-1950</u> <u>Ida, IL 1952-1969</u>

J. Sizes _____ to

Definition:

The generally produced sizes and shapes of the product as sold to the end user, noting the smallest to the largest standard sizes. Respond additionally to this interrogatory by providing information as to the packaging of the product when providing information regarding the product's size. (e.g. 25-75 lb. bags of cement, etc.)

Instructions:

In completing this information, note the smallest standard sizes or weights first, then the largest standard sizes or weights.

Use the following abbreviations as appropriate:

- | | |
|-------------------------|---------------------|
| - "C" for circumference | - "L" for length |
| - "D" for diameter | - "P" for pounds |
| - "G" for gauge | - "T" for thickness |
| - "H" for height | - "W" for width |

If the suggested abbreviations are inappropriate, type out the most useful size or weight description on the spaces provided or on a separate sheet of paper, identifying that entry as "Interrogatory Response (14)(J), Sizes" and attach that sheet to the Interrogatory Response Sheet.

Examples:

Sizes	<u>D2", L12", T1/2"</u>	to	<u>D24", L48", T2"</u>
Sizes	<u>10 P sacks</u>	to	<u>100 P sacks</u>

K. Product Color(s) _____|_____|_____|_____|_____

Definition:

The basic color(s) of the product. Where the product line had the same basic product in a variety of colors, the five most popular colors or color combinations.

Instructions:

A piece of product may be single-colored or multicolored. Different pieces of the same product may be designed to show different colors (e.g., floor tile) or the color may have changed from time to time. The above lines are to be completed as follows:

- If the product was one color, complete the first half of the first line only. Note: "N/A" on the second half of the lines, and N/A | N/A on all other lines.
- If the product was one color, but that color changed from time to time, complete the first half of as many lines as there were color changes (up to five). Note: "N/A" on the second half of the lines, and N/A | N/A on all other lines.
- If the product line included multi-colored pieces indicate the two most prominent colors by using both sides of the line. Up to five multi-colored products can be noted.
- If there were more than five colors or five color combinations, note the most frequently made color(s).
- Try to limit your responses by using the following colors. Use the two-letter codes provided. Generally, do not separately identify shades of the same color. If the following colors are inadequate to describe a product color, type in what you believe is the proper color name(s).

- | | | |
|--------------|---------------|---------------|
| - Gray (Gy) | - Blue (Bl) | - Brown (Br) |
| - Black (Bk) | - Violet (Vt) | - Yellow (Yw) |
| - White (Wh) | - Green (Gr) | - Orange (Or) |
| - Red (Rd) | - Pink (Pk) | - Tan (Tn) |

Example:

Product Color(s)	<u>Gy N/A</u>	<u>Bk N/A</u>	<u>W N/A</u>	<u>N/A N/A</u>	<u>N/A N/A</u>
Product Color(s)	<u>Gy Bk</u>	<u>Bk N/A</u>	<u>N/A N/A</u>	<u>N/A N/A</u>	<u>N/A N/A</u>
Product Color(s)	<u>Wh Rd</u>	<u>Wh Bk</u>	<u>Wh Bl</u>	<u>Wh Yw</u>	<u>Wh Or</u>

L. Product Packaging

Definition:

The most frequently used containers in which the product was packaged.

Instructions:

To the extent possible, use the following codes as set forth below in responding to this interrogatory. Where no code is applicable, type the kind of container or packaging. Provide up to five types of containers, listing where known, the most frequently used container first, second most frequently used container, next, etc. Type N/A on any unused line.

Cardboard box (CB)	Metal Drum (MD)	Burlap sack (BS)
Wooden box (WB)	Cardboard drum (CD)	Cloth sack (CS)
Plastic box (PB)	Plastic drum (PD)	Paper sack (PS)
Other box (OB)	Other drum (OD)	Plastic sack (KS)
Bound Bundles (BB)	Pallets (PT)	Other sack (OS)
Wooden Spools (WL)	Paper Spools (PL)	Plastic Spools(PL)
Other spools (OL)		

Example:

Product Packaging	<u>CB</u>	<u>WB</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Packaging	<u>CD</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Product Packaging	<u>CS</u>	<u>KS</u>	<u>PS</u>	<u>OS</u>	<u>N/A</u> <u>N/A</u>

- M. Within the United States was there any geographic limitation which you claim was applicable to the sale of this product (Yes or No)?

Geographic Limitation (Yes/No)?

If Yes state the geographical area which you claim was applicable to this product.

Shipments

Northeast;

MA NH ME NY VT RI CT

Mideast;

OH VA WV KY

Southeast;

FL NC SC TN AL AG MS

Southwest;

TX CO NM UT AR AZ LA OK

Midwest;

MI IL IN MO WI MN ND SD WY NB KA IO

West;

CA NV OR ID WA MT HI AK

East;

PA DL NJ MD DC

Other;

VI GU PR OTHER

Definition:

Identify those states, possessions, etc. to which your product was ever shipped, was never shipped or it is unknown to you as to whether your product was ever shipped there, if you claim a geographical limitation.

Instructions:

Identify those areas to which you know any product was ever shipped by marking an X on the appropriate line for that state, territory, etc..

- M. Within the United States was there any geographic limitation which you claim was applicable to the sale of this product (Yes or No)?

Geographic Limitation (Yes/No)?

If Yes state the geographical area which you claim was applicable to this product.

Shipments

Northeast;

MA NH ME NY VT RI CT

Mideast;

OH VA WV KY

Southeast;

FL NC SC TN AL AG MS

Southwest;

TX CO NM UT AR AZ LA OK

Midwest;

MI IL IN MO WI MN ND SD WY NB KA IO

West;

CA NV OR ID WA MT HI AK

East;

PA DL NJ MD DC

Other;

VI GU PR OTHER

Definition:

Identify those states, possessions, etc. to which your product was ever shipped, was never shipped or it is unknown to you as to whether your product was ever shipped there, if you claim a geographical limitation.

Instructions:

Identify those areas to which you know any product was ever shipped by marking an X on the appropriate line for that state, territory, etc..

Identify those areas to which you know any product was never shipped by marking an O on the appropriate line for that state, territory, etc.

Identify those areas about which you have no information as to whether any product was ever shipped by marking a "?" on the appropriate line for that state, territory, etc....

"Other" means any geographical area not identified by the prior abbreviations.

Example:

Shipments:

Northeast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>										
	MA	NH	ME	NY	VT	RI	CN										
Mideast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>													
	OH	VA	WV	KY													
Southeast;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>										
	FL	NC	SC	TN	AL	GA	MS										
Southwest;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>?</u>	<u>X</u>									
	TX	CO	NM	UT	AR	AZ	LA	OK									
Midwest;	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>0</u>	<u>0</u>	<u>0</u>					
	MI	IL	IN	MO	WI	MN	ND	SD	WY	NB	KA	IO					
West;	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>?</u>	<u>?</u>									
	CA	NV	OR	ID	WA	MT	HI	AK									
East;	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>?</u>												
	PA	DL	NJ	MD	DC												
Other;	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>													
	VI	GU	PR	OTHER													

N. Product Literature

Definition:

Whether or not you have any product literature of any sort (e.g., promotional literature, ads, catalogue entries, books, etc.) that describes or pictures this product, yes or no.

Examples:

Product Literature Yes

Product-Literature No

0. Product Picture(s)

Definition:

Whether or not you have care, custody or control over any depictions of this product, and if so, the type of depiction(s).

Instructions:

If you have no depictions of this product, answer "no" in the space provided.

If you do have depictions of this product, indicate the types of depictions you have. Use the following codes and indicate for each type of depiction whether it is a:

- | | |
|-----------------------------|------------------------------|
| - Color Picture (CP) | - Black & White Picture (BW) |
| - Color Sketch (CS) | - Photocopy (PC) |
| - Black & White Sketch (BS) | - Other (OT) |
| - Blueprint (BT) | |

Examples:

Product Picture(s) No

Product Picture(s) BT

Product Picture(s) CP BT BW PC OT

P. Package Picture(s)

Definition:

Whether or not you have any depictions of the product packaging and if so, the type of depictions.

Instructions:

In answering this interrogatory, use the codes listed below.

If you have no depictions of this product packaging, answer "no" in the space provided.

If you do have depictions of this product packaging, indicate the types of depictions you have. Use the following codes and indicate for each type of depiction whether it is a:

- Color Picture (CP) - Black & White Picture (BW)
- Color Sketch(CS) - Photocopy (PC)
- Black & White Sketch (BS) - Other (OT)
- Blueprint (BT)

Examples:

Package Picture(s) No

Package Picture(s) BT

Package Picture(s) CP BT BW PC OT

P. Package Picture(s)

Definition:

Whether or not you have any depictions of the product packaging and if so, the type of depictions.

Instructions:

In answering this interrogatory, use the codes listed below.

If you have no depictions of this product packaging, answer "no" in the space provided.

If you do have depictions of this product packaging, indicate the types of depictions you have. Use the following codes and indicate for each type of depiction whether it is a:

- Color Picture (CP) - Black & White Picture (BW)
- Color Sketch (CS) - Photocopy (PC)
- Black & White Sketch (BS) - Other (OT)
- Blueprint (BT)

Examples:

Package Picture(s) No

Package Picture(s) BT

Package Picture(s) CP BT BW PC OT

Q. Product Sample

Definition:

Whether or not you have one or more samples of the asbestos-containing products, yes or no.

Example:

Product Sample Yes
Product Sample No

R. Trademark Name(s)

Definition:

The name of any trademark(s) in any way associated with the product, product packaging, or product literature.

Instructions:

If more than one Trademark is associated with the name of a product (e.g., Gold Bond Ripple-Tone Panels), provide the requested information for each trademark

Type N/A on any unused lines.

Examples:

Trademark Name(s) Perf-A-Tape N/A

Trademark Name(s) Gold Bond Ripple Tone

S. Patent Number(s)

Definition:

The Patent Number(s) of any product or process in any way related to the product itself.

Instructions:

To the extent more than one patent is involved with the product itself, or the manufacture, sale, processing, development, etc. of the product, note the additional patent number on the additional line provided.

Type N/A on any unused lines.

Examples:

Patent Number(s) 3.660.118 N/A

Patent Number(s) 2.573.659 2.529.175

T. Product Alteration

Definition:

State whether the product has been altered in chemical composition since first being made. If so, please state as to each such alteration:

- i. The date of the alteration;
- ii. The nature of the alteration;
- iii. The reason for the alteration;
- iv. Identify the person(s) recommending or approving such alteration; and,
- v. Whether there are any studies, evaluations or tests made in connection with the alteration, and if so, identify each such study.

15. Asbestos Free Products

For each asbestos containing product whose trade name is listed in Answer No. 14, state:

- A. Was the product, or a substitute for that product, ever manufactured and/or sold by you without asbestos; if so, when did the sale of the product commence;
- B. Brand name of the asbestos free product;
- C. The reason product was manufactured without asbestos;
- D. Was the asbestos-containing counterpart of said product sold while the asbestos-free counterpart was being manufactured; if so, provide the time periods;

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: a review of the Exhibits attached hereto demonstrates that in 1974 raw asbestos fibers were removed from products previously manufactured with raw asbestos fibers. Furthermore, Defendant's review of sales records from Union Carbide and Thompson Hayward, demonstrates that the last product sales of raw asbestos were made to Premix-Marbletite Mfg. Co. in 1974.

16. Product Development/Design

For each asbestos product referred to in Answer No. 14, or which was sold to any other defendant, state separately:

- A. Was the product manufactured or sold to any entity prior to its being placed on the commercial market;
- B. The date and place where the product was designed and developed;
- C. The identity and last known address of the person or persons responsible for the design or development of the product;
- D. Was the product ever tested prior to its being sold for use by the consumer? If so, provide the identity and present location of all records dealing with these tests (including testing concerning use, application, durability, toxicity, etc.) and the custodian of said records.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: it is impossible to answer this Interrogatory because anyone who would have the knowledge to answer this Interrogatory no longer is employed by this Defendant and/or has died. As such, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

17. Sales Documents

Please state whether you have any documents of any kind indicating or reflecting past sales of one or more asbestos-containing products listed in response to interrogatory 14 including, but not limited to, invoices, orders, purchase records, sales records, confirmations, bills of lading, annual or other periodic summaries of sales or orders, accounts payable or accounts receivable records, etc. If so, describe in detail the different types of documents that you have for each such asbestos-containing product, and state the following as to each type of document:

- A. The items of information contained on it (e.g., date of sale, product, quantity, purchaser, shipment location, price, etc.);
- B. The years of sale encompassed by documents still in existence;
- C. The current location of the documents;
- D. Identify the current custodian of the documents, as well as the current employee most familiar with the codes or system used on the documents:

Answer:

None.

18. Sales Offices

Did you ever have any sales offices in Florida that were responsible for distribution and/or sales of asbestos and/or asbestos-containing products listed in responding to interrogatory 14? If so, please state as to each such sales office:

A. Its address and years of operation;

B Identify all managers from 1930 through the present and the years during which they served;

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: Defendant believes that the primary manufacture and distribution of asbestos and non-asbestos containing products were from the Miami and Winter Springs facilities previously mentioned in its answer to Interrogatory No. 12 herein.

19. Fiber Purchases

Please state the name and address of each business entity from whom the Defendant, Defendant's predecessors, Defendant's subsidiaries have ever bought or received raw asbestos fiber.

Answer: Please see response to Interrogatory No. 15 and Exhibits attached hereto.

20. Insurance

For all policies of insurance affording general liability or products liability coverage, including primary policies, excess policies, policies of reinsurance, program of self-insured retention (SIR) and/or policies in which defendant was additionally insured, applicable to injuries allegedly caused by exposure to asbestos and/or asbestos-containing products state:

- A. Insurer: Specify exactly as named in the insurance policy or other evidentiary document of coverage.
- B. Insured: The insured named in the policy.
- C. Policy
Period: Refer to the actual period for which the insurance policy is and/or was in effect.
- D. Policy
Type: Specify whether primary, excess or self-insured, etc.
- E. Per Occurrence/
Accident Limits: Refer to the limit for any one occurrence or any one accident.
- F. Products
Aggregate: Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily injury, property damage and other covered perils; if so, refer to the combined limit and so indicate.
- G. Products Aggregate
Consumption: The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claims. List such consumption. If applicable the date upon which the policy limits were paid out in full or exhausted.

H. Policy Number: Specify exactly as contained on the insurance policy or other evidential document of coverage the policy number. Additionally provide the custodian of the policy and/or document.

I. Insurer
Objection: Specify the bases upon which the relevant insurer refuses to fully pay claims upon demand. If the insurer has not objected to payment or is paying, note N/A.

Answer: We are investigating the current insurance policies and limits available for this litigation. We will supplement this response once we determine the exact amount of coverage.

Asbestos\Consultant

Has any person ever served as a consultant(excluding experts retained during the course of litigation), full, or part-time, to defendant in any manner regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos containing product? (the term consultant is meant to include any specialist in the above areas who was at least in part retained for his expertise and opinions in other than a full-time salaried position). If so, please state the following as to each such person:

- A. Identify the person;
- B. The beginning date, ending date, and period of service for the person;
- C. The job duties and/or responsibilities for the person, as well as a summary of the work performed;
- D. The plant address, office address, or duty assignment location for the person for each part of the consultancy;
- E. The reason for retaining the person;
- F. Identify the company official responsible for retaining the person, as well as identify the company officials with whom the person met during the period of the employment of consultancy; and,

- G. State whether documents relating to the employment or consultancy in any way, including contracts, correspondence, publications, reports, status reports, studies, etc., exist and whether or not said documents mention asbestos. Additionally if said documents exist provide the name of the records custodian of said documents.

Answer:

No.

21. Physician/Consultant

Please state whether or not Defendant ever employed, engaged or retained any physician as a consultant, plant physician or otherwise (excluding experts retained during the course of litigation), in connection with asbestos-related business activities. If so, please state the following as to each such physician:

- A. Identify the physician and give complete dates and places of employment or service;
- B. State the physician's duties and responsibilities;
- C. Identify the company person to whom the physician reported;
- D. State the purpose for which the physician was employed, engaged or retained; and,
- E. State whether documents pertaining to the physician's professional activities involving asbestos and/or individuals exposed to asbestos exist and the custodian of said documents.

Answer:

No.

22. Safety/Consultant

Please state whether or not any industrial hygienist, toxicologist, safety director, occupational medical director, physician or consultant in any of the foregoing areas previously identified(excluding experts retained during the course of litigation), ever made at any time any statements, recommendations and/or suggestions to the Defendant pertaining to or relating to asbestos or health hazards from dust or any product. If so, state the following as to each such occasion:

- A. Identify who made the recommendation and/or suggestion;
- B. State the date of the recommendation and/or suggestion;
- C. Identify all company officials who received the recommendation and/or suggestion;
- D. State the substance of the recommendation and/or suggestion; and,
- E. State whether any documents and/or records of oral conversations embodying or pertaining to the recommendation and/or suggestion exist and if so the custodian of said records.

Answer:

No.

23. Tests/Asbestos

Please state whether Defendant ever conducted or caused to be conducted any tests (whether laboratory or field tests) on any of their or anyone else's asbestos-containing products, including measurements of exposure levels during installation, removal and/or after installation after they had degenerated or decomposed from use, to determine potential or likely asbestos exposure levels during conditions of intended use of the product. If so, please state the following as to each such test:

- A. Identify the person who directed that the test and/or measurement be made and/or conducted;
- B. Identify the person or organization who conducted the test and/or measurement;
- C. Identify where, when and for how long the test and/or measurement was conducted, including the department of the plant or facility involved, as well as its owner and operator;
- D. State the product(s) tested and describe the conditions of the test, including the measurement methodology;
- E. Describe whatever efforts, if any, were used in the test to simulate the various conditions of possible or probable use of the product, such as in confined spaces or tunnels;
- F. State the asbestos exposure levels measured including the ranges measured, median measurement and average measurement;
- G. Identify to whom the test results were reported; and,
- H. Identify all documents pertaining to the test and the custodian thereof.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: based on Defendant's review of relevant records, Union Carbide Corporation conducted airborne fiber counts at Premix-Marbletite on May 8, 1973, May 10, 1973 and May 16, 1974.

24. Financial Support/Measurement/Tests

Has Defendant ever conducted, caused to be conducted or financially supported through at least a 10% contribution towards the total cost, any asbestos-related epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analysis, research or studies of any kind (hereafter termed "studies")? If so, please state as to each such study:

- A. Identify who directed or authorized that the study be done;
- B. Identify the person or organization that conducted the study;
- C. State the dates and over what time period the study was done;
- D. Describe the study design and protocol;
- E. State the complete results of the study, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the study and/or its results;
- G. Identify all documents relating to the study and the custodian thereof; and,
- H. State whether the study was ever published, and if so, state the study title and citation.

Answer:

No.

25. Literature Review

Has Defendant ever conducted, caused to be conducted, or financed through at least a 10% contribution towards the total cost, any effort to monitor or review the professional literature regarding the clinical, epidemiologic, toxicologic, industrial hygiene, medical and/or scientific aspects of asbestos and/or products containing asbestos(excluding for the purposes of litigation)? If so, please state the following as to each effort:

- A. Identify who directed or authorized that the effort be done;
- B. Identify the person or organization that conducted the effort;
- C. State the dates and over what time period the effort was done;
- D. Describe the effort design and protocol;
- E. State the complete results of the effort, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the effort and/or its results;
- G. Identify all documents relating to the effort and the custodian thereof; and,
- H. State whether the effort was ever published, and if so, state the effort title and citation.

Answer:

No.

26. Specific Studies/Participation

Did Defendant at any time in any way participate in any of Metropolitan Life Insurance Company's studies of asbestos (conducted approximately between 1929-1940), any Trudeau Foundation/Saranac Lake studies (between 1929-1960), or any Industrial Hygiene Foundation studies (between 1938-1968)? If so, identify each such study in which you were involved and state as to each:

- A. What role or action you took in regard to the study;
- B. Identify all documents related to your involvement in the study and the custodian thereof;
- C. Identify each of your facilities in which any part of the study was conducted and reference your facility to the data reported in the study; and,
- D. Identify each of your officers, supervisors, managers or employees who assisted, participated in or directed your involvement in the study.

Answer:

No.

27. Asbestos Hazard/Notice

Did Defendant at any time prior to 1980 receive, have notice of, acquire or possess any advice, publication, statement, warning, order, directive, letter, memorandum, recommendation or document, written or oral, in any way related to asbestos and health hazards, or which implicitly or explicitly refers to asbestos and health issues. If so, state the following as to each such document and oral conversation, and each such occasion prior to 1980:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. Identify all documents pertaining to the advice, publication, statement, warning, order, directive, letter, memorandum, or recommendation and the custodian thereof;
- C. Identify all company officials and directors who received notice of the existence of the document or oral conversation. For each such oral conversation state the approximate date of said conversation and the parties to said conversation; and,
- D. What action, if any, was taken by you as a consequence of the document or oral conversation.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: to the best of Defendant's knowledge and based upon a reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no person who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory. However, Defendant refers to Exhibit No. 1, John Cowie's deposition, wherein Mr. Cowie testified that he first new of the dangers of asbestos in 1974, and shortly thereafter, raw asbestos was no longer used in Defendant's products.

28. **Knowledge/Asbestosis**

Please state whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and a lung disease known as asbestosis, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired;
- B. As to each such occasion thereafter in which your knowledge as to asbestosis increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of asbestosis state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning the disease asbestosis and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged

exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: relying on the information contained in the Exhibits attached hereto, it is apparent that from the early 1970's Defendant knew of the disease of pneumoconiosis and placed a cautionary statement concerning the inhalation of dust and the use of a respirator when using this Defendant's products.

29. Knowledge/Lung Cancer

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and lung cancer, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to lung cancer increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of lung cancer state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning lung cancer and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

Answer:

To the best of Defendant's knowledge and based upon reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

30. Knowledge/Mesothelioma

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and mesothelioma, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B As to each such occasion thereafter in which your knowledge as to mesothelioma increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of mesothelioma state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C Identify all documents relevant to your acquisition of knowledge concerning mesothelioma and the custodian thereof; and,
- D If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

Answer:

To the best of Defendant's knowledge and based upon reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

30. Knowledge/Mesothelioma

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and mesothelioma, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B As to each such occasion thereafter in which your knowledge as to mesothelioma increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of mesothelioma state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C Identify all documents relevant to your acquisition of knowledge concerning mesothelioma and the custodian thereof; and,
- D If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

Answer:

To the best of Defendant's knowledge and based upon reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

31. Knowledge/Cancer of the Gastrointestinal Tract

Please state whether Defendant ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and cancer of the gastrointestinal tract (i.e. colon, stomach, etc.), in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to cancer of the gastrointestinal tract increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of cancer of the gastrointestinal tract state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning cancer of the gastrointestinal tract and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

Answer:

To the best of Defendant's knowledge and based upon reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

32. Warning/Description

Please provide the following information as to each caution, warning or hazard statement or explanation involving asbestos alleged to have been placed on the products or packaging of asbestos containing products by you?

- A. What was its precise wording;
- B. Where was it located on the product or packaging, and what was the size and color of the lettering.
- C. Has the wording or its presentation ever been altered, and if so, how and when;
- D. The years during which each version of a caution, warning or hazard statement appeared on each individual product identified in responding to interrogatory 14;
- E. Identify all company officers and/or committees who participated in the decision to affix each version of the caution, warning or hazard statement to a product or its packaging, and in particular, identify the prime decision-maker, if any; and
- F. Identify all documents related in any way to each caution, warning or hazard statement and the custodian thereof.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: beginning in the early 1970's a cautionary statement was placed on promotional material and on bags containing various asbestos containing products.

33. Warning/Insert

Has Defendant ever placed any form of package insert or informative brochure in a container of an asbestos-containing product, listed in response to interrogatory 14, explaining the hazards of asbestos? If so, state as to each such insert or brochure:

- A. When was it first placed in containers and for what years thereafter;
- B. What products had the insert or brochure included;
- C. Describe the size, shape, color and text of the insert or brochure;
- D. Identify all persons involved in the decision to include the insert or brochure; and,
- E. Identify all company officers and/or committees who participated in the decision to include an insert or brochure, and in particular, identify the prime decision-maker, if any; and
- F. Identify the insert and/or brochure itself and the custodian thereof.

Answer:

See Response to Interrogatory No. 32.

34. Warning/Customer

State whether you published and/or otherwise provided any of your distributors and/or customers with any instructions in regard to the asbestos hazards, if any, presented by use of Defendant's asbestos-containing products, other than inserts or labels (i.e. promotional pamphlets, product manuals, specification sheets, sales brochures, etc.) If so, please state:

- A. When such instructions were first given;
- B. By whom and when were these instructions made;
- C. State the specific instructions provided; and,
- D. Identify all oral communications and documents related to these instructions. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: Beginning in the early 1970s there was a cautionary statement as referred to in the Answers to Interrogatories, Exhibit 2. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory.

35. Warning/Mask

Has Defendant ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product for later use by persons who would handle and/or be exposed to the product? If so, please state:

- A. The products covered by the practice;
- B. The year this practice began and the years it was implemented;
- C. Describe the type of face mask or respirator included in the container; and,
- D. Identify all oral communications and documents related to this practice. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

Answer:

No.

36. Sales Material

Has Defendant at any time, published and/or distributed any sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents of any kind or character? If so, please:

- A. Identify each such document and the custodian thereof;
- B. State for what period of time you published and/or distributed sales brochures, promotional pamphlets, product manuals, specification sheets, or other written sales material or documents without any form of warnings, cautions, hazard statements or explanations concerning asbestos.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: Defendant responds yes. In further response to this Interrogatory, Defendant refers to the Exhibits attached hereto, particularly Exhibit No. 2.

37. Advertisement

If you advertised any of your asbestos-containing products, listed in response to interrogatory 14, in newspapers, magazines, or other publications at any time from 1930 to the present, please state for each such advertisement that contained a warning regarding your products:

- A. The name of the publication in which it appeared, including the date and page number;
- B. A complete transcript of the advertisement and a description of any pictures accompanying it;
- C. The name and address of the person or agency that was responsible for approving each such advertisement;
- D. The name and address of whoever has current custody of the above-described advertising literature; and,
- E. Identify all documents relating to such advertisements and the custodian thereof.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: various promotional materials contained the same or similar cautionary statement as referenced in Exhibit No. 2.

38. Product Usage/Documents

Has any written material of any kind or character been prepared by Defendant or its agents indicating how your asbestos-containing products should be used and/or maintained (other than information in regards to the hazards, if any, presented by use of the defendant's asbestos containing products)? If so, please state as follows:

- A. Identify all such material and the custodian thereof;
- B. The name, address and job classification of each person who prepared same; and;
- C. The dates and manner in which said material was distributed to purchasers of Defendant's products.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: various promotional materials contained the same or similar cautionary statement as referenced in Exhibit No. 2.

39. Notice/Asbestos Injury

Did Defendant receive notice, prior to 1975, that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold and/or used by you? If so, please state as to each such claim.

- A. The name of the claimant;
- B. The date of notice of the claim;
- C. A description of the claim including the type of exposure experienced by the claimant (e.g., mining, milling, manufacturing, insulating, etc.);
- D. The type of injuries allegedly sustained;
- E. The caption and court, address of the court or workers' compensation file number of the claim;
- F. Identify all documents relating to the claim and the custodian thereof.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: to the best of Defendant's knowledge and based upon a reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to

respond to this Interrogatory.

40. Knowledge/TLV Defense

Identify any and all documents (including statements and trial deposition testimony of current or former employees of Defendant) in possession of Defendant, indicating that:

- A. Defendant relied upon the January, 1946 article "A health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Walter E. Fleischer, Frederick J. Viles Jr., Robert L. Gade and Philip Drinker, as a reason for not warning or informing users or consumers of asbestos-containing products manufactured, distributed and/or sold by Defendant of any and all actual or potential health hazards associated with such products.

- B. Defendant relied upon the Threshold Limit Value of 5 million particles per cubic foot as a reason for not warning or informing users or consumers of asbestos-containing products manufactured, distributed and/or sold by Defendant of any and all actual or potential health hazards associated with such products.

Answer:

None.

41. Specific Trade Association

Please state whether Defendant has ever been a member of any of the following business groups (or group with similar name), listed below, or any other trade or similar association, task force, committee or subcommittee of such associations in any way concerned with potential adverse health effects, including cancer, which may be associated with human or animal exposure to toxic or carcinogenic substances, including but not limited to asbestos. If so, answer the following as to each group:

- (1) The years during which you were a member;
- (2.) Describe the nature of your participation including every committee, division, subcommittee, work group, panel, etc. in which any of your employees or representatives participated, including, but not limited to the years of such participation, nature and date of each meeting attended;
- (3) Identify all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership and the custodian thereof;
- (4) Identify any office held by any employee or representative; and,
- (5) Identify any and all employees or representatives who participated in the group and/or in any committee, division, subcommittee, work group, panel, etc. of said group.

GROUPS

- A. Industrial Health Foundation (or one of its predecessors);
- B. Asbestos Textile Institute;

- C. Asbestos Information Association of North America;
- D. National Mineral Wool Producers Association;
- E. Mineral Wool Institute
- F. Industrial Mineral Insulation Manufacturers Institute;
- G. Asbestos Cement Pipe Producers Association;
- H. Magnesia Insulation Manufacturers Association;
- I. American Industrial Hygiene Association;
- J. Brake Lining Manufacturers Association;
- K. Friction Materials Standards Institute, Inc.;
- L. Asbestos Brake Lining Manufacturers Institute;
- M. Quebec Asbestos Mining Association (QAMA);
- N. Institute of Occupational and Environmental Health of Quebec Asbestos Mining Association;
- O. American Society for Testing and Materials;
- P. Grinding Wheel Institute;
- Q. Trudeau Foundation;
- R. National Safety Council;
- S. National Insulation Manufacturers Association (NIMA) ;
- T. Thermal Insulation Manufacturers Association (TIMA);
- U. The Refractories Institute;
- V. American Petroleum Institute;
- W. Chemical Manufacturers Association;
- X. Vinyl Institute;
- Y. Society of Plastics Industries;

Z. Ethylene Oxide Industry Council;

AA. Chlorine Institute; and,

BB. Asbestos Information Association (AIA);

CC. Northwest Magnesia Association;

DD. National Insulation Contractors Association (MCA);

EE. Air Hygiene Foundation; and

FF. Asbestos Brake Lining Manufacturers Institute;

Answer:

Please see No. 2, specifically Luis Gutierrez's Response to Interrogatory No. 41.

42. Persons Most Knowledge

Please identify the employee(s) or former employee(s) most knowledgeable within the following areas. In your answer, please state the time period during which each was the most knowledgeable as well as the positions each held in your company:

- A. Any potential adverse health effects which may be associated with exposure to asbestos;
- B. Toxicological studies for asbestos which this Defendant either conducted, coordinated or in which the Defendant in any way participated between 1945 and the present which relate to asbestos;
- C. All documents which Defendant possess or possessed at any time between 1945 and the present which express the opinion or discuss the hypothesis that asbestos is associated with any adverse health effects in humans or animals or which discusses the potential for asbestos to cause any adverse health effects in humans or in animals;
- D. All documents which Defendant possessed between 1930 and 1985 which might reasonably be anticipated to express the opinion or hypothesis that asbestos is associated with any adverse health effects in humans or animals -or which discusses the potential for asbestos to cause any adverse health effects in humans or in animals which have been destroyed since 1970;
- E. All documents which Defendant possesses or possessed between 1930 and the present which might reasonably be anticipated to express the opinion or hypotheses that asbestos is associated with any adverse health effects in humans or animals or which discusses the potential for asbestos to cause any adverse health effects in humans or in animals which have been cataloged, indexed or otherwise listed or summarized by any person or entity an any time.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without

waiving the foregoing objections, Defendant states as follows: the only persons known to this Defendant are John Cowie (deceased), as referenced herein regarding Exhibit No. 1, and Luis Gutierrez, as referenced herein regarding Exhibit No. 2. Mr. Gutierrez is not an employee of this Defendant and is not under the control of this Defendant.

43. Knowledge/ - PEL/MAC

Please state whether Defendant ever had knowledge regarding any of the following standards and/or regulations, listed below, which were adopted by various states and/or governmental entities, or any other TLVs (Threshold Limit Values), PELs (Permissible Exposure Limits), MACs (Maximum Allowable Concentration) or standards and/or regulations which regulated, limited or defined exposure levels of asbestos and/or the amount of airborne asbestos dust and/or fiber which a person could be permissibly exposed to. If so, answer the following as to each standard and/or regulation:

- (1) The year during which Defendant became aware of the standard and/or regulation;
- (2) Describe Defendant's understanding of the requirements of the standard and/or regulation and its applicability to Defendant;
- (3) Describe any action taken by Defendant, if any, regarding attempts to satisfy the requirements of the standard and/or regulation;
- (4) Identify any documents which refer to the standard and/or regulation and the custodian thereof; and,
- (5) Identify any and all employees and/or representatives of Defendant who were responsible for compliance with the standard and/or regulation or who made any determination regarding the applicability of the standard and/or regulation to Defendant.

STANDARDS and/or REGULATIONS

- A. Industrial Commission of Minnesota Safety Standards, 1950, 1964.
- B. Occupational Health Standards, State of Washington.

- C. Safety Code, State of Oregon, 1945, 1949, 1956.
- D. Industrial Safety Orders, State of California, 1968.
- E. Public Health Code, State of Connecticut, 1947, 1951, 1954, 1958, 1961, 1964, 1965.
- F. Regulations for Control and Prevention of Occupational Diseases, State of Florida, 1957, 1964.
- G. Employment Safety Rules, State of Iowa, 1968.
- H. Occupational Health Standards; State of Maine, 1968.
- I. Occupational Air Contaminants Statutes, State of Michigan, 1948.
- J. Safety Standards, State of Nevada, 1955, 1964.
- K. Safety Regulations, State of New Jersey, 1958, 1963.
- L. Industrial Code Rules, State of New York, 1961, 1945.
- M. Arizona Revised Statutes Ann. Section 41-1002.
- N. Cal. Admin. Code Title 8, Section 2047 (1946).
- O. Florida Safety and Health Standards Chapter 38F43.03 (1979), revised by Chapter 38F-43.003 (1990) Fla. Stat. Section 440.152(1). Resolution Adopting Regulations for Control and prevention of Occupational Diseases in Industry in the State of Florida Section 446.152(1) (1945). Regulation for Control and prevention of Occupational Diseases 8AS-1 (OD-1957), 1855-1(OD-1960). regulation Relating to Hazardous Atmospheres in Confined Spaces 8AS-15 (HA-1969).
- P. Public health Regulations Chapter 24, Section 12, Part B, State of Hawaii.
- Q. Idaho Safety Code 1, Chapter LE Section 3102, State of Idaho.

- R. Stanislawski v. Industrial Commissioner, 99 Ill. 36, 75 Ill. Dec. 405, 457 N.E.2d 399 (1983); et seq. (OSHA), State of Illinois.
- S. See Burns Administration Rules and Regulations (22-1-1-10)-G7 (1967)(Repealed 1988), State of Indiana.
- T. The Iowa departmental Rules, July 1968 Supplement.
- U. Me. Rev. Stat. Ann. Section 1271-1284 (1989) (abatement), State of Maine.
- V. COMAR: 26.02.02.02, State of Maryland.
- W. Mich. Admin. code R. 325.1352 (1962 Supplement).
- X. Industrial safety Standards, Laws and Codes for the Prevention of Accidents and the Preservation of Health, State of Minnesota.
- Y. Safety Standards for the Prevention and Control of Occupational Diseases (1955), State of Nevada.
- Z. N.H. Rev. Stat. Ann. Section 141E:6-7 (1987), State of New Hampshire.
- AA. "Safety Regulation No. 3 establishing threshold limit values for dusts, vapors, fumes, gases and mists." (1967) State of New Jersey.
- BB. Title 12 NYCRR Part 12 (1956, 1958, 1963 and 1971, State of New York.)
- CC. Legal Requirements for the Prevention and Control of Industrial Public Health Hazards (1946), Ohio Admin. Code Section 3701-19, State of Ohio.
- DD. Okla. Stat. tit. 40, Section 451-457 (Supp. 1989) (applies to abatement only), State of Oklahoma.
- EE. Oregon Administrative Rules, Chapter 333-22-002, et. seq. adopted pursuant to ORS 431.035 et seq; see also Oregon OSHA regulations for post 1970 standards in effect.
- FF. 25 Pa. Code Section 201.1 (1981), State of Pennsylvania.
- GG. R.I. General Laws Section 23-24.5-5 (1985 Reenactment), State of Rhode Island,

- III. Rules and Regulations Governing Industries, Section 6, State of South Carolina.
- II. Texas State Department of Health Occupational Health Regulation No. 3, "Threshold Limit Values of Airborne Contaminants".
- JJ. Dept. of Labor & Industries Occupational Health Standards Chapter 62, WAC 296.
- KK. Occupational Safety Standards Relating to Asbestos Exposure, 29 C.F.R. Section 1910.1001 (1988), State of Washington D.C.
- LL. Chapter 5, Article I, Section 1 Industrial Hygiene Regulations, State of West Virginia.
- MM. W.A.C.I. Section 20.02 (19640, State of Wisconsin.
- NN. Wyoming Occupational Health and Safety Rules and Regulations Change 9, (1987), State of Wyoming.
- 00. Wyoming Occupational Health and Safety Rules and Regulations Change 13, (1989), State of Wyoming.
- PP. Occupational and Industrial health Regulations, State of West Virginia, 1951.
- QQ. Industrial Commission Rules, State of Wisconsin, 1964.
- RR. Maryland Statutes and Regulations adopting the TLV
- SS. Occupational Health Regulations for Maximum Permissible Concentrations of Atmospheric Contaminants in Places of Employment. Adopted by the Texas State Board of Health on 6/9/58.
- TT. American Conference of Industrial Hygienist (ACGIH) .TLV adopted in 1946.
- UU. American Conference of Industrial Hygienist (ACGIH) TLV revised in 1968.
- VV. OSHA PEL, adopted in May 1971.
- WW. OSHA PEL and peak exposure level, ETS issued in December 1971.

XX. OSHA PEI and peak exposure level, revised in June 1972.

YY. OSHA PEL, revised in July 1976.

ZZ. OSHA PEL, revised in July 1986.

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: to the best of Defendant's knowledge and based upon a reasonable search of Defendant's records, Defendant has not located any documents or information responsive to this Interrogatory. Further, there are no persons who are currently employed by or otherwise under the control of this Defendant with sufficient knowledge to respond to this Interrogatory. Defendant has no knowledge of whether prior employees have the knowledge requested in this Interrogatory concerning any of the standards and regulations cited.

44. Library

Please state whether Defendant ever maintained any form of library or collection of books and publications. If so, state the following as to each such library:

- located;
- A. The original location of the library, including the building in which it was
 - B. The years during which the library was in operation;
 - C. The offices, plant facilities, departments or other organizational units serviced by the library;
 - D. Identify each custodian of the library or librarian as well as the years of his service as librarian;

Answer:

Defendant specifically incorporates herein its previously stated Preliminary Statement, General Objections, and Reservation of Rights. Specifically, this Interrogatory is not limited in time and scope to the parameters of Plaintiff's alleged exposure to this Defendant's products, and therefore seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence, in addition to being unduly burdensome upon this Defendant. In accordance with the foregoing objections, this response is limited to the alleged exposure periods as relevant to this Defendant. Subject to and without waiving the foregoing objections, Defendant states as follows: Defendant does not maintain a formal library. However, this Defendant has a few manuals and publications concerning industry standards and some books on competitors that manufacturer similar products. These publications are located in the Pompano Beach, Florida Premix's office.

1/1/12

STATE OF FLORIDA)
):ss
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 20th day of August, 2012 by Howard L. Ehrst as Vice President, of Premix-Marbletite a Florida corporation, on behalf of the corporation, ☒ who is personally known to me or ☐ who has produced _____ as identification.

Kimberly S. Smith
Notary Public, STATE OF FLORIDA

Print Name: Kimberly S. Smith

My Commission Expires:

