

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ELDON CLAUDE DICKERSON
AND RUTH VIRGINA DICKERSON,

Plaintiffs,

-vs-

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

: CASE NO. 398302

: (JUDGE HARRY A. HANNA)

PLAINTIFF'S EXHIBIT

ORR-1

**DEFENDANT ORR SAFETY CORPORATION'S ANSWERS AND OBJECTIONS TO
PLAINTIFFS' MASTER SET OF INTERROGATORIES PROPOUNDED TO
ORR SAFETY CORPORATION**

Pursuant to Ohio R. Civ. P. 26 and 33, defendant Orr Safety Corporation ("Orr Safety") submits the following answers and objections to Plaintiffs' Master Set of Interrogatories Propounded to Orr Safety Corporation. These responses are made without a waiver of, and with preservation of:

- (1) All questions as to competency, relevancy, materiality, privilege, and admissibility of the responses and the subject matter thereof as evidence for any purpose in any further proceedings in this action (including the trial of this action) and in any other action;
- (2) The right to object to the use of any such responses, or the subject matter thereof, on any ground in any further proceedings of this action (including the trial of this action) and in any other action;
- (3) The right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein and to provide information and produce evidence of any subsequently discovered facts; and
- (4) The right to assert additional privileges if warranted by new documents or evidence discovered at a later date.

GENERAL OBJECTIONS

- a. Orr Safety objects to the definitions and instructions for these interrogatories to the extent that they explicitly or implicitly seek to impose requirements or obligations on Orr Safety that are greater than the requirements of the Ohio Rules of Civil Procedure and the applicable local rules. Orr Safety will respond to these interrogatories in accordance with, and to the extent required by, the Ohio Rules of Civil Procedure and the applicable local rules.
- b. Orr Safety objects generally to plaintiffs' definitions of "defendant," "you," "your," and "your company" on the grounds that they are overbroad, unduly burdensome, are not reasonably calculated to lead to the discovery of admissible evidence, and render the interrogatories propounded incapable of precise answer. Orr Safety will answer these interrogatories on behalf of Orr Safety.
- c. Orr Safety objects to plaintiffs' definition of "asbestos-containing product," "asbestos product," "sales material," "written sales material," "health hazards," and "potential health hazards" on the grounds that they are vague and ambiguous.
- d. Orr Safety objects to plaintiffs' interrogatories to the extent that they seek information that is not within the personal knowledge of its current employees. Based upon information and belief, no persons with personal knowledge of facts relating to many of the subjects regarding which plaintiffs seek information are currently in Orr Safety's employ. In an effort to overcome these limitations, Orr Safety has conducted a reasonable search of records and inquiry of available persons. Orr Safety has responded in good faith to these interrogatories based on available information. Accordingly, with these limitations and after reasonable search and inquiry, Orr Safety responds to these interrogatories based on information and belief. Orr Safety continues to investigate issues relevant to this lawsuit and reserves the right to introduce additional evidence at trial which is uncovered in the course of its further investigation or review of information.
- e. Orr Safety objects to plaintiffs' interrogatories to the extent they seek information relating to sale of asbestos-containing products by Orr Safety to any entity or entities other than those specifically identified by plaintiff as being within the chain of distribution between Orr Safety and plaintiffs' employers. As a seller only, Orr Safety had no discretion to determine the method and manner of use of these products.
- f. Orr Safety objects to plaintiffs' interrogatories because they impermissibly seek to shift to this defendant the plaintiffs' burden of identifying the products at issue and the manufacturers and distributors of such products.
- g. Orr Safety objects to plaintiffs' interrogatories, including, but not limited to, instruction number 4, to the extent that the time periods referenced therein are not

limited to the period of plaintiffs' exposure to asbestos-containing products on the grounds that they seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

- h. Orr Safety objects to plaintiffs' interrogatories to the extent that they are not limited to the specific job sites, activities, and products to which plaintiffs were exposed.
- i. Orr Safety objects to all interrogatories to the extent that they seek the disclosure of information or documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the consulting expert privilege, and any inadvertent production of such information shall not be deemed a waiver of any privilege with respect to such information.
- j. Orr Safety objects to all interrogatories to the extent that they seek information or documents that are not in the possession or custody of Orr Safety.
- k. Orr Safety objects to these interrogatories to the extent that they seek to require Orr Safety to gather and summarize information contained in voluminous papers that are already a matter of public record, or to otherwise provide information which is equally available to plaintiffs as to Orr Safety.
- l. Orr Safety objects to plaintiffs' interrogatories to the extent that they seek information relating to Orr Safety's employees, which are not the subject of this litigation.
- m. Orr Safety objects to these interrogatories in their entirety because plaintiff has, to date, failed to provide any sworn identification by plaintiff of any products sold by Orr Safety, to which Orr Safety is entitled to before undertaking to respond to plaintiffs' voluminous discovery requests. As such, these interrogatories are overbroad, unduly burdensome, and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Orr Safety asserts each of the general objections set forth above to each of the interrogatories that is objectionable on the stated grounds. Orr Safety's responses to these interrogatories are subject to and without waiver of any of the foregoing objections. By setting forth specific objections to any particular interrogatory, Orr Safety does not intend to limit the general objections set forth above. In addition, Orr Safety states that its investigation and discovery are continuing. Orr Safety will supplement its responses to the extent required by Ohio R. Civ. P. 26(E) and the applicable local rules should additional information subject to discovery be located.

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, these responses are verified by: Bob Watterson, Vice President of Sales and Regional Manager, Orr Safety Corporation, P.O. Box 198029, Louisville, Kentucky 40216. Mr. Watterson has been employed by Orr Safety since May 16, 1975.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is unduly burdensome.

Subject to and without waiving this objection, see Responses to Requests for Production.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by Defendant from

entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

Yes.

- (a) Orr Safety Corporation
- (b) Kentucky
- (c) 11601 Interchange Drive, Louisville, KY 40229
- (d) CT Corporation, Carew Tower, Cincinnati, Ohio 45052
- (e) N/A

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos-related risks, then please state the following as to each acquisition:
- (b) 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;
- (c) 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);

- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;
- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that Orr Safety Corporation was incorporated on June 2, 1952 in the state of Kentucky as Orr Safety Equipment Company. The company changed its name to the present name on December 14, 1990.

Orr Safety Supply Company, which appears on the invoices produced by plaintiffs' counsel, was incorporated in Kentucky on February 6, 1952. The company was dissolved effective March 10, 1987.

4. Please state whether or not Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (b) 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);

- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (g) whether the acquisition concerned asbestos-containing products.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see corporate history information provided in Answer to Interrogatory No. 3.

4.1 - For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos-containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand

or trade name;

- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

- 5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);

- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:

- (1) The trade or brand name.

- (2) Its identification number (model, serial number, etc.).

- (3) The time period it was manufactured, mined, marketed, distributed or sold.

- (4) Its physical description including color, general composition, and form.

- (5) A detailed description of its intended use and purpose.

- (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.

- (7) The percent of asbestos which it contained.
- (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information that is not in the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it has never mined, manufactured, or installed any asbestos-containing products. Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory and all subparts No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;

- (c) The number of each patent application that is pending.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information that is not in the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured, designed, or obtained a patent for any product.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the specific products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information that is not in the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured or designed any asbestos-containing product and was not involved in the development of the "chemical composition" of any such product.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information that is not in the possession, custody, or control of Orr Safety.

8.01 Has Defendant ever purchased asbestos-containing products from any other Defendant?

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed

and plaintiffs have refused to provide a service list of all remaining defendants in this action.

Subject to and without waiving these objections, Orr Safety states that it has no records or other information demonstrating that it purchased any asbestos-containing products from any current defendant that was sold to any location at which plaintiff claims to have been exposed.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant from whom this Defendant purchased any asbestos-containing product;
- (b) list each product purchased from each co-Defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-Defendant.

ANSWER:

See Answer to Interrogatory 8.01.

8.03 Has Defendant ever sold asbestos-containing products to any other Defendant?

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the job sites, activities, and products to which plaintiffs were exposed and plaintiffs have refused to provide a service list of all remaining defendants in this action.

Subject to and without waiving these objections, Orr Safety states that it has no records or other information demonstrating that it sold any asbestos-containing products to any other defendant for any location at which plaintiff claims to have been exposed.

following: 8.04 If the answer to the preceding Interrogatory is yes, please state the

- (a) name each Defendant to whom this Defendant sold any asbestos-containing product;
- (b) list each product sold to each co-Defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-Defendant.

ANSWER:

See Answer to Interrogatory No. 8.04.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930? 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(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of Defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;

- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;

- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety did not manufacture any asbestos-containing products. Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed. With respect to the products listed in the invoices produced by plaintiffs' counsel to counsel for Orr Safety, those products appear to have been "Steel Grip" products.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto? If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER:

Objection. Orr Safety objects to this interrogatory and its subparts on the grounds that it is vague and ambiguous in part because of its use of the term "reason to believe." Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the activities and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which

plaintiff claims to have been exposed.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A:

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Identify all documents relating to the sales to each such company.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it is duplicative of Interrogatory No. 8.

Subject to and without waiving these objections, Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;

- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the ground that it is vague and ambiguous in its use of the term "their asbestos-containing products." Orr Safety further objects to this interrogatory (and all subparts) on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited to the job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the ground that it is vague and ambiguous in its use of the phrases "their asbestos-containing products" and "knowledge that reflects sales." Orr Safety further objects to this interrogatory and all subparts on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the activities and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured any asbestos-containing products. Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited to the activities and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it was not in existence in 1945. Further answering, Orr Safety states that Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, or products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it has never "installed" any asbestos-containing products in Ohio and further states that it was not in existence in 1930. Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the asbestos-containing products to the job sites, activities, or products to which plaintiffs were exposed.

Subject to and without waiving these objections, no.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the asbestos-containing products to the job sites, activities, or products to which plaintiffs were exposed.

Subject to and without waiving these objections, no.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the products to which plaintiffs were exposed. Orr Safety further objects to this interrogatory on the ground that it seeks information that is not in the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured or "assembled" any "asbestos-containing products."

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, or products to which plaintiffs

3 were exposed.

Subject to and without waiving these objections, no.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear-out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear-out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, or products to which plaintiffs were exposed.

Subject to and without waiving these objections, no.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products or any packaging for any such products. Further answering, Orr Safety states that has no "packages" currently in its possession for any asbestos-containing product.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory on the grounds that it seeks information that is not in the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any asbestos-containing products and thus did not participate in the design or preparation of any manufacturing specifications for such products.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous and because it assumes that all products are "cut, shaped, scribed, mixed, [or] applied on the job." Orr Safety further objects to the interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous because of the use of the undefined terms "method of manufacturing" and "method of application" and because it assumes that all products are "applied." Orr Safety further objects to the interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the activities and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

(a) List each such written material or document;

- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information not in its possession or custody.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any asbestos-containing products and did not prepare any blueprints or specifications for any such products.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous because of the use of the phrases "releasing the products . . . for sale and usage" and "potential health hazards." Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job activities and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information not within Orr Safety's possession or custody.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any asbestos-containing products and thus was not responsible for testing any such product prior to "releasing" it "for sale and usage."

With respect to the asbestos mittens and gloves referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in such products was encapsulated in the product such that respirable fibers were not released from the product so as to constitute a hazard.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous because of the use of the phrases "releasing any products for sale and usage," and "potential health hazards." Orr Safety further objects to the interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job activities and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it seeks information that is not within the possession, custody, or control of Orr Safety.

Subject to and without waiving these objections, Orr Safety states that it did not design or manufacture any product and thus was not responsible for testing any product prior to "releasing" it "for sale and usage."

With respect to the asbestos mittens and gloves referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in such products was encapsulated in the product such that respirable fibers were not released from the product so as to constitute a hazard.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER:

See Answer to Interrogatory No. 18.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER:

See Answer to Interrogatory No. 18.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;

- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

ANSWER:

See Answer to Interrogatory No. 18.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job activities and products to which plaintiffs were exposed. Orr Safety also objects to this interrogatory and all subparts on the ground that it is misleading in that it assumes that asbestos dust and/or fibers could be inhaled as a result by

workers "applying, using and/or working around" any "asbestos product."

Subject to and without waiving these objections, Orr Safety states that it did not manufacture or "relabel for distribution" any asbestos-containing product. Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

With respect to the asbestos mittens and gloves referenced in correspondence from plaintiffs' counsel, upon information and belief, any asbestos contained in such products was encapsulated in the product such that respirable fibers were not released from the product so as to constitute a hazard.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "their asbestos-containing products." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time or subject matter and is not limited to products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any asbestos-containing products.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators,

fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to activities and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety did not manufacture any asbestos-containing products and thus did not conduct any testing regarding the removal or tearing out of asbestos-containing products.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.

- (e) The name, address and job classification of the custodian of such information.

ANSWER:

Objection. Orr Safety objects to this interrogatory (and all subparts) on the grounds that it is vague and ambiguous in its use of the phrase "any knowledge concerning the likelihood of asbestos being hazardous to human health." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and fails to identify the specific subject matter regarding which it seeks information with sufficient specificity as required under the Civil Rules to permit Orr Safety to provide a proper response.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the phrase "first became aware of the possible association." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it fails to identify the specific subject matter regarding which it seeks information with sufficient specificity as required under the Civil Rules to permit Orr Safety to provide a proper response.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to

lead to the discovery of admissible evidence, in part because it is virtually unlimited as to time. Orr Safety further objects to this interrogatory on the grounds that and to the extent that it seeks information protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety states that it employed no industrial hygienist or physician to specifically research, investigate, or study asbestos or asbestos-related diseases during the 1950s and 1960s.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the phrase "acted in a medical advisory capacity (as it relates in any way to asbestos)." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in part because it is virtually unlimited as to time. Orr Safety further objects to this interrogatory on the grounds that and to the extent that it seeks information protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety states that Orr Safety had no regular employee who acted in a "medical advisory capacity," as it understands the term, "relating to asbestos" during the 1950s and 1960s.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to

lead to the discovery of admissible evidence, in part because it is unlimited as to time and it not limited to the products to which plaintiffs were exposed. Orr Safety further objects to this interrogatory on the grounds that and to the extent that it seeks information protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety states that it manufactured no asbestos-containing products and that it employed no "medical officer," "industrial hygienist," or "medical consultant" in the 1950s and 1960s. Further answering, Orr Safety states that it never manufactured any asbestos-containing products.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that it was not a product manufacturer and had no "medical department," "research department," "industrial hygiene divisions," or "engineering department," as it understands these undefined terms, and employed no "consulting physicians," as it understands this term between 1945 and 1975.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time or subject matter.

Subject to and without waiving these objections, Orr Safety states that it did not

manufacture any products and employed no "medical officer," "industrial hygienist," "medical consultant," or physician during the 1950s and 1960s.

30.2 Has Defendant, or any engineer, industrial hygienist or physician in Defendant's employ, been a member in any professional group, trade group or any of the following groups:

American Ceramics Society
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- (a) The name of the group or groups in which Defendant or individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the term "your asbestos-containing products." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Orr Safety further objects to this interrogatory on the grounds that it is misleading in that it improperly assumes that workers would be exposed to asbestos dust, fibers, and/or particles while using or working around "[Orr Safety's] asbestos-containing products."

Subject to and without waiving these objections, Orr Safety states that it did not manufacture any "asbestos-containing products."

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER:

See Answer to Interrogatory No. 31.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

33.1 State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "job sites." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because Orr Safety's "job sites," plants, and buildings are not at issue in this action.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the terms "library," "safety and engineering and/or research." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence.

Subject to and without waiving these objections, Orr Safety states that did not maintain a "library" dealing with industrial hygiene or medical research.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that it was not in existence during the 1920s and 1930s.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous, in its use of the term "first aware of." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that it was not in existence in 1935.

36.1 Did Defendant ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos-containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and

ambiguous in its use of the term "dust producing product." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that it has not manufactured any "dust producing products."

36.2 Did Defendant ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER:

See Answer to Interrogatory No. 36.1.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed of other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in part because it is virtually unlimited as to time and is not limited as the subject of the trade organization or association.

Subject to and without waiving these objections, Orr Safety states that, based upon information currently available to Orr Safety, it was not a member of any "trade organization" or "trade association" comprised exclusively of "manufacturers, miners, distributors, and/or sellers of asbestos-containing products." Orr Safety cannot state whether any organizations or associations in which it may have participated since its incorporation may have also included "manufacturers, miners, distributors, and/or sellers of asbestos-containing products."

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER:

See Answer to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and subject matter of the "technical and trade association periodicals" to which the interrogatory and all subparts refers.

40. Please state whether, prior to 1975, Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "sales material." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to the job sites or products to which plaintiffs were exposed.

Subject to and without waiving these objections, Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "written material of any kind or character." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time, is not limited to the activities or products to which plaintiffs were exposed, and fails to identify the specific subject matter of the "written material" regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety has no records or other information demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "written material." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and

seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and fails to identify the specific subject matter of the written material regarding which it seeks information.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing products." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and fails to identify the specific "asbestos-containing products" regarding which it seeks information.

Subject to and without waiving this objection, Orr Safety states that it has not manufactured any asbestos-containing products.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit A, attached hereto most

knowledgeable about this communication.

- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "warnings" and "potential health hazards." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is virtually unlimited as to time and is not limited to plaintiffs or to the activities and products to which plaintiffs were exposed.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because Orr Safety's employees are not the subject of this action.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER:

Orr Safety has never manufactured any asbestos-containing products.

47.2 Has any person or company from which you purchased asbestos-containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing products." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and is not limited to the products to which plaintiffs were exposed.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing products." Orr Safety further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it seeks information from 1930 to the present and fails to identify the specific "asbestos-containing products" regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety states that it has never manufactured or produced any asbestos-containing products.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the term "asbestos-containing or industrial insulation products." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and fails to identify the specific "asbestos-containing or industrial insulation products" regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety states that it never manufactured or sold any asbestos-containing insulation products or industrial insulation products.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;

- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Orr Safety states that based on information presently available to Orr Safety, Orr Safety did not receive such notice prior to 1968.

48.1 Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacture, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time, is not limited to the job sites, activities, and products to which plaintiffs

were exposed, and fails to identify the specific documents regarding which it seeks information.

Subject to and without waiving these objections, Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous. Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time, is not limited to the job sites, activities, and products to which plaintiffs were exposed and fails to identify the specific documents regarding which it seeks information with sufficient specificity as required under the Civil Rules for it to provide a proper response.

Subject to and without waiving these objections, Orr Safety has no records demonstrating that it sold any asbestos-containing products to any location at which plaintiff claims to have been exposed.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?

- (e) What manner of electronic format is used?

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the phrase "which relate to matters relevant to all of the preceding interrogatories." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and fails to identify the subject matter of the documents regarding which it seeks information with the specificity required under the Civil Rules to permit Orr Safety to provide a proper response.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is vague and ambiguous in its use of the phrase "which relate to matters relevant to all of the preceding interrogatories." Orr Safety further objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is unlimited as to time and fails to identify the subject matter of the documents regarding which it seeks information with the specificity required under the Civil Rules to permit Orr Safety to provide a proper response.

49. Has Defendant obtained statements from any witnesses including Plaintiffs? If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it seeks information protected from discovery by the attorney-client privilege and the attorney work product doctrine.

50. Do you contend that Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set forth in detail in what respect the product was improperly used.

ANSWER:

Orr Safety's investigation and discovery are ongoing and continuing. At this stage, Orr Safety lacks sufficient information to answer this interrogatory. Orr Safety will supplement its answer to this interrogatory.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed to or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER:

Orr Safety's investigation and discovery are ongoing and continuing. At this stage, Orr Safety thus lacks sufficient information to answer this interrogatory. Orr Safety will supplement its answer to this interrogatory.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER:

Objection. Orr Safety objects to this interrogatory, including all subparts, on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular to the extent that it is virtually unlimited as time and is not limited to the job sites, activities, and products to which plaintiffs were exposed.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity and last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;

- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER:

Objection. Orr Safety objects to this interrogatory, and all of its subparts, on the grounds that it is premature and seeks information that is protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety will identify its expert witnesses and provide any required expert disclosures in accordance with the Ohio Rules of Civil Procedure, any applicable local rules or court orders, or as otherwise may be mutually agreed upon by the parties.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is premature and seeks information that is protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety will identify its expert witnesses in accordance with the Ohio Rules of Civil Procedure, any applicable local rules or court orders, or as otherwise may be mutually agreed upon by the parties.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague, ambiguous, and confusing in its use of the undefined phrase "these cases" and "properly had on it" such that Orr Safety cannot properly answer this interrogatory as written.

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) the facts upon which Defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is premature and seeks information that is protected from disclosure by the attorney work product doctrine and/or the consulting expert privilege.

Subject to and without waiving these objections, Orr Safety will identify its witnesses and exhibits in accordance with the Ohio Rules of Civil Procedure, any applicable local rules or court orders, or as otherwise may be mutually agreed upon by the parties. Further answering, Orr Safety states that its investigation and discovery are ongoing and continuing. At this stage, Orr Safety lacks sufficient information regarding the claims asserted by plaintiffs to identify all of the facts, documents, witnesses, and affirmative defenses that may be available to Orr Safety to defend the claims asserted against it in this action. Orr Safety will supplement its answer to this interrogatory.

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

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER:

Orr Safety is not presently aware of any applicable insurance policies.

56.1 Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were Plaintiff or Defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER:

Objection. Orr Safety objects to this interrogatory and all subparts on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER:

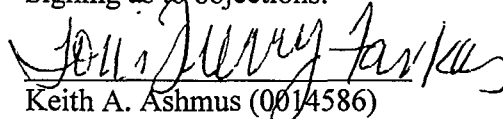
Orr Safety's investigation and discovery are ongoing and continuing. Thus, at this stage, Orr Safety lacks sufficient information regarding the claims asserted by plaintiffs to identify persons with knowledge of "relevant facts regarding claims and defenses." Orr Safety will supplement its answer to this interrogatory.

58. State the last date that Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER:

Objection. Orr Safety objects to this interrogatory on the grounds that it is vague and ambiguous in that it fails to identify the specific products to which it refers. Orr Safety further objects to this interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in particular because it is not limited to the products to which plaintiffs were exposed.

Signing as to objections:



Keith A. Ashmus (0014586)

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Toni Querry Farkas (0066648)

tfarkas@frantzward.com

FRANTZ WARD LLP

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(216) 515-1650 (fax)

Attorneys for Defendant

Orr Safety Corporation

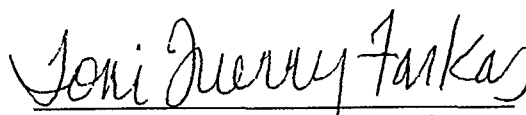
CERTIFICATE OF SERVICE

A copy of the foregoing was served via regular U.S. mail, postage prepaid, on the following this 15th day of February, 2002:

Ladd R. Gibke
BARON & BUDD, P.C.
3102 Oak Lawn Ave., Suite 1100
Dallas, TX 75219

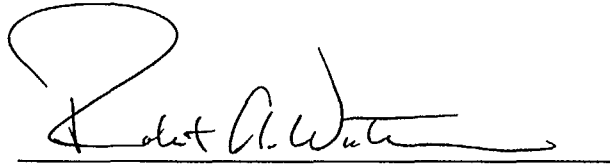
Susan L. Bozroth
BARON & BUDD, P.C.
30 Overbrook Blvd., Suite F
Monroe, Ohio 45050

Attorneys for Plaintiffs


One of the Attorneys for Defendant
Orr Safety Corporation

VERIFICATION

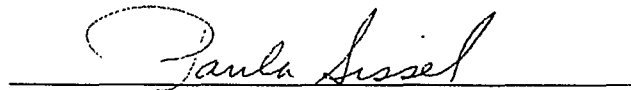
The undersigned, Bob Watterson, being duly sworn, deposes and states that he is Vice President of Sales and Regional Manager for Orr Safety Corporation; that he has read Defendant Orr Safety Corporation's Answers and Objections to Plaintiffs' Master Set of Interrogatories Propounded to Orr Safety Corporation in the matter *Eldon Claude Dickerson, et al. v. A-Best Products Co., et al.*, Cuyahoga County Court of Common Pleas, Case Number 398302; that all of said responses are not within his personal knowledge; that the facts therein stated have been assembled by authorized employees and counsel of Orr Safety Corporation; and that he is informed that the facts therein stated are true.



Date 2.19.02

SWORN TO and subscribed before me, a Notary Public, on this 19th day of

February, 2002.



Notary Public