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PLAINTIFF'S EXHIBIT

K-1949

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

RAVALEE WILKERSON, Individually)
and as Special Administrator for)
the Estate of FRANK E. WILKERSON,)
Deceased,)

Plaintiff,)

vs.)

ARMSTRONG WORLD INDUSTRIES,)
et al.,)

Defendants.)

NO. 88 L 236

**DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Q. 1. Have these interrogatories been answered fully and in good faith to the extent of the actual knowledge and information available to defendant, Owens-Illinois, Inc., its insurance carrier(s) and attorneys?

A. 1. This defendant states that it has referred to the relevant business records of the Owens-Illinois Glass Company, which are still in the possession of Owens-Illinois, Inc., in connection with the preparation of answers to these interrogatories unless otherwise indicated.

Q. 2. Is the defendant, Owens-Illinois, Inc., a corporation? If so, state:

(a) The exact corporate name;

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- headquarters.

statement, a tape-recording, a transcript or a memorandum purporting to reflect what was said?

(d) If your answer to (c) is affirmative, state the name and address of the person having possession of the tangible preservation of the statement.

A. 4. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 5. Has any private firm or company adjuster been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence? If so, state the full name and address of each firm or adjuster.

A. 5. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 6. Do you have any information regarding Frank E. Wilkerson's physical condition prior to his death other than that information furnished you by the plaintiffs' counsel? If

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so, state the nature of that information, the name and address of its source, and if documentary in nature, who now has each.

A. 6. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 7. Were any photos taken of Frank E. Wilkerson? If so, state the total number of photos, the date of each photo, each subject, and who has each.

A. 7. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

Q. 8. Were you named or covered under any policy of liability insurance, effective on the date of the occurrence, which may be construed to provide coverage for any claim stated in the Complaint? If so, as to each policy, state:

- (a) The name of the company;
- (b) The policy number;
- (c) The effective period;
- (d) The maximum liability limits for:

- (1) Injury to any one person;
- (2) Aggregate personal injury

limits;

(e) What amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available.

(f) Whether the carrier denied coverage or tendered a defense under a reservation of rights;

(g) Whether the policy provides for any retained risk, or deductible amount for which defendant remains responsible, and, if so, state the amount for injury to one person, and the aggregate personal injury amount.

A. 8. This defendant objects to this interrogatory on the ground that it seeks irrelevant and immaterial information which is not reasonably calculated to lead to the discovery of admissible evidence. Expressly reserving and without waiving its objections, and subject to them, this defendant states that the issues surrounding its insurance coverage for asbestos claims are complex. Because of disputes over possible insurance coverage, this defendant has engaged in litigation against certain insurance carriers which may provide coverage for asbestos claims. One such lawsuit resulted in a decision of the United States District Court of the District of Columbia in Owens-Illinois, Inc. v. Aetna Casualty and Surety Company, 597 F.Supp. 1515 (D.D.C. 1984).

The litigation between this defendant and Aetna Casualty and Surety Co. has been settled. The terms and conditions of the settlement agreement are confidential, and as a consequence, the parties are precluded from disclosing the terms or contents of the agreement. Litigation with other insurance carriers is ongoing.

Q. 9. Which, if any, of the carriers listed in your

answer to the preceding interrogatory are providing a defense to this suit?

A. 9. Refer to objection to Interrogatory No. 8.

Q. 10. Identify those expert witnesses (as defined in Supreme Court Rule 220(a)(1)) from whom you may offer opinion testimony at trial, and for each such expert, state:

- (a) His name, current address, telephone number, occupation, and employer;
- (b) The subject matter on which the expert is expected to testify;
- (c) His conclusions and opinions and the bases therefore;
- (d) His qualifications, including all formal education subsequent to high school, a history of his employment and the citation to each of his published writings;
- (e) The amount paid, or agreed to be paid to him, specifying his hourly rate of compensation;
- (f) Whether such expert has testified, either at deposition or at trial, and if yes, state for each case:
 - (1) The first-named plaintiff and first-named defendant;
 - (2) The court in which filed and the cause number;
 - (3) The date and place the testimony was given;
 - (4) The name and address of the reporter;
 - (5) Whether you have a transcript of the testimony.

A. 10. The identity of expert witnesses to be called at trial is not known at the present time. This defendant

reserves the right to designate at a later date expert witnesses to be used at trial.

Q. 11. Has defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

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

A. 11. Charles Shook, M.D., deceased, employed from March 25, 1946 until June 30, 1960 was the Medical Director during the period in which this defendant manufactured, sold or distributed asbestos-containing products. He reported to the Vice President of Corporate Staff, Director of Corporate Personnel.

This defendant's chief medical officer is responsible for assuring and promoting preventive and corrective medical programs, services and practices to protect and preserve employee health and productivity throughout Owens-Illinois, Inc. The individual in this position develops, organizes, introduces and implements pre-employment and periodic examinations as well as new health programs in order to insure the continued well being of defendant's employees in a safe and healthy environment. The

person in this position is also responsible for the quality of medical services at Owens-Illinois locations.

Q. 12. Has defendant ever directed or contributed money toward a study of the effects of asbestos exposure upon the health of some or all of its employees? If so, state the following as to each such study:

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

A. 12. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May, 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E.

Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge was that there was a recognized safe exposure level for asbestos dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September, 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

Q. 13. Have there been any studies of the effect of asbestos exposure upon the health of any of defendant's employees? If so, state:

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

A. 13. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 14. List the following information for each claim brought against defendant by a present or former contract-unit employee of defendant or the spouse or child of a deceased such employee alleging a disease or condition of ill-being caused by asbestos:

- (a) The name and address of the person alleged to be diseased or in a condition of ill-being;
- (b) When the alleged disease or condition of ill-being began;
- (c) The circumstances under which the employee is alleged to have come into contact with asbestos;
- (d) Whether the person is represented by an attorney, and if so, the name and address of his attorney;
- (e) The agency where the claim was filed, the docket number of the claim and the date the claim was filed.

A. 14. This defendant has never formed nor maintained a group or groups known as "contract units," such "contract units" being a division or group within or maintained by the corporation which, inter alia, engaged in the actual installation of insulation products containing asbestos at job sites.

Q. 15. List the following information regarding each document (as defined in Supreme Court Rule 201(b)(1)) authorized by an employee of defendant in the course of his employment, dealing in whole or in part with the consequences of exposure to asbestos:

(a) Name, title or other means of identification of the document;

(b) Name, position at time document authored, and current address, position and employer of each author of the document;

(c) Date prepared or published;

(d) The name and address of the entity responsible for its publication and/or distribution;

(e) If available in typewritten or printed form, the number of pages.

A. 15. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case.

Q. 16. When did defendant first sell asbestos or products containing asbestos?

A. 16. Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture

of commercial quantities of "Kaylo" asbestos-containing products in about 1948 and continued such manufacture until about April 30, 1958.

Q. 17. Does defendant still sell asbestos or products containing asbestos? If not, when did defendant stop selling?

A. 17. No. This defendant ceased all involvement in the asbestos-containing product business in 1958.

Q. 18. List the following information about each different type (as opposed to different sizes of the same type) of asbestos containing building and/or insulation product manufactured or sold by defendant:

- (a) Brand or trade name;
- (b) Description;
- (c) Uses defendant recommended of it;
- (d) Asbestos content;
- (e) Dates of manufacture and/or sale.

A. 18. (a) Kaylo.

(b) This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. It believes that Kaylo and Kaylo-20 were premolded, rigid products, and were manufactured in two forms, block and pipe covering. Kaylo was white or off-white in color, and Kaylo-20 was pinkish in color.

(c) The asbestos-containing products manufactured by this defendant were intended to be used for industrial high temperature thermal insulation such as pipe covering and block insulation, and to increase fireproofing and fire protection and for insulation through use as a roof deck or fireproof material or door core material.

(d) This defendant ceased the manufacture, sale and distribution of its asbestos-containing products in 1958. Its investigation as to the composition of each such product, including the type of asbestos contained therein (i.e., amosite or chrysotile) and the quantitative percentage of asbestos, is continuing, although this defendant now believes that this defendant's commercially produced asbestos-containing products were hydrous calcium silicates containing between 13% and approximately 20% asbestos. Chrysotile asbestos was the primary type apparently used. Amosite was used to a lesser extent.

(e) Owens-Illinois Glass Company began limited pilot plant operations involving the production of "Kaylo" asbestos-containing products in 1943. It began the manufacture of commercial quantities of "Kaylo" asbestos-containing products in about 1948 and continued such manufacture until about April 30, 1958.

Q. 19. Has defendant, at any time since it began selling asbestos or asbestos-containing products, issued a warning concerning the consequences of exposure to asbestos, which warning was intended by defendant to reach those persons who would breath or ingest asbestos or asbestos-containing products during their distribution and/or use? If so, state as to each such warning:

- (a) The language of the warning;
- (b) Date first issued or distributed;
- (c) Date last issued or distributed;
- (d) The method of communication or distribution used;
- (e) The name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

A. 19. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory. However, it does not appear that any warning concerning asbestos was given in that it does not appear that this defendant had reason to believe that the use of its products would result in a foreseeable risk of harm.

Q. 20. If your answer to the preceding interrogatory is in the affirmative, state the following as to the first information defendant received that exposure to asbestos caused disease:

- (a) The form in which it was received, e.g., orally, in writing;
- (b) If orally, the name and address of the person from whom received;
- (c) If the information was received in written form, give the author, title of the document, and date of the document;
- (d) The name and address of the employee or employees who received the information;
- (e) Briefly describe the information.

A. 20. Refer to answer to Interrogatory No. 19.

Q. 21. If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee who was responsible to investigate whether:

- (a) The warnings were reaching the persons who were breathing and/or ingesting the asbestos from the asbestos-containing products;
- (b) The warnings were being read by the persons who were breathing and/or ingesting the asbestos from the asbestos-containing products;

(c) The warnings were being understood by the persons who were breathing and/or ingesting the asbestos from the asbestos-containing products;

(d) The warnings were being heeded by the persons who were breathing and/or ingesting the asbestos from the asbestos-containing products.

A. 21. Refer to answers to Interrogatory Nos. 19 and 20.

Q. 22. List the following information regarding each instance where an employee of defendant testified (at deposition or trial) in asbestos disease litigation:

- (a) Name of employee;
- (b) Date and place testimony was given;
- (c) First named plaintiff and defendant, case number and court in which pending;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

A. 22. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant is aware that the following present or former employees have testified at trial or by deposition in asbestos-related litigation:

Edward C. Ames	10/8/79, 1/10/80, 2/12/81, 3/26/81 and 10/7/81.
Robert Grim	9/6 & 7/84 (trial), 10/11/84 (trial), and 7/1/87 (trial)
Richard L. Grimmie	7/10/79, 10/24/79 (trial) and 10/29/79 (trial).
David Innis	9/27/83.
William Justice	7/11/79 and 5/3/82.

John Pershing	7/26/79.
John Rhoads	7/11/79.
June Welser	7/11/79.
Everett Shuman	4/26/79, 6/12/79, 7/15/80, 8/19/80, and 3/4/81.
Willis G. Hazard	2/11/81, 3/27/81, 12/14/81, 1/27/82.
Richard R. Beck	4/1/81.
Samuel F. Schillaci	4/7/81, 7/31/81 (trial), 11/9/81 (trial), 11/17/81, 4/26-27/82, 6/4/84, 8/28/84, 9/6/84, 11/14/84, 2/5/85, 3/4/85 (trial), 4/30/85, 12/19/85 (trial), 10/8/86, 4/10/87 (trial), 6/25/87 (trial), 11/4/87 (trial), 1/20/88 (trial), 10/15/88 (trial), 11/22/88 (trial), 11/29/88 (trial), 12/8/88 (trial), and 12/15/88 (trial).
George N. Bates, M.D.	4/6/81.
Thomas A. Meehan, Esq.	8/3/81 (trial), 11/9/81 (trial), 12/15/83, 1/16/84, 8/28/84, 6/4/84, and 11/13/84.

Effective April 30, 1958, this defendant sold its asbestos-containing product manufacturing division to Owens-Corning Fiberglas Corporation. At that time certain employees who worked in the division, some of whom are mentioned above, transferred to Owens-Corning Fiberglas Corporation. These individuals have been deposed with regard to asbestos-related litigation involving Owens-Corning Fiberglas Corporation.

This defendant objects to the production of copies of the transcripts of these depositions on the basis that said transcripts are filed with various courts around the country, they are therefore matters of public record, and therefore plaintiffs have equal access to such documents. Defendant reserves the right to advance additional arguments against the

production of such documents if and when plaintiffs file a request for production.

Q. 23. List the following information regarding each instance where an individual whom you had listed, retained or called as an expert witness testified (at deposition or trial) in asbestos disease litigation:

- (a) Name of employee;
- (b) Date and place of testimony was given;
- (c) First named plaintiff and defendant, case number and court in which pending;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

A. 23. This defendant objects to revealing the name of any expert whom it has consulted, except as to employment for testimony at trial on the grounds of: (a) the work product privilege; (b) attorney-client privilege; (c) the interrogatory seeks information which is irrelevant and not calculated to lead to the discovery of admissible evidence.

Q. 24. List the name and address of all international unions and local unions which have represented employees of defendant while the employees were using asbestos-containing products or were being exposed to asbestos, and indicate the address of the plant or group of employees represented and the date of such representation.

A. 24. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 25. Did any of the unions listed in your answer to the previous interrogatory ever instruct, advise or caution your employees on the safe handling of asbestos or precautions to be taken when working in airborne asbestos? If so, please state for each instruction, advice or warning:

(a) The name and address of the union and person instructing, advising or warning your employees;

(b) The method and content of the instruction, advice or warning;

(c) The dates of the instruction, advice or warning;

(d) Whether the union ever promulgated, recommended or bargained for any regulations, standards or guidelines concerning the safe handling of asbestos or precautions to be taken when working in airborne asbestos.

A. 25. Refer to answer to Interrogatory No. 24.

Q. 26. State the following as to the first information defendant or its corporate predecessor(s), received that exposure to asbestos caused disease.

(a) The form in which it was received, e.g., orally, in writing;

(b) The name and address of the employee or employees who received the information;

(c) Briefly describe the information;

(d) If the information was received in written form, give the author and the title of the document;

(e) The date the information was received.

A. 26. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958 and does not have any records from which it can obtain information sufficient to answer this interrogatory.

During May, 1979, various papers and reports were produced by an employee of the Trudeau Institute, Mr. Allan Logie, regarding animal experiments conducted at laboratories at Saranac Lake involving dust collected during the Kaylo manufacturing process. These papers and reports may contain information relating to the substance of this interrogatory. This defendant has not been able to find these papers and reports in its business records or correspondence although it has searched for and continues to search for them.

This defendant's counsel obtained copies of some of the papers and reports produced by Mr. Logie. However, these copies constitute only a portion of a larger volume of papers and reports which this defendant has not copied. They are available through Winne, Banta, Rizzi, Hetherington & Basralian, 25 E. Salem Street, Hackensack, New Jersey. This defendant also has reason to believe that plaintiffs' counsel has copies of the documents produced by Mr. Logie. Other documents possibly relating to this interrogatory may have been produced by Owens-Corning Fiberglas Corporation in the asbestos litigation.

Those documents found at Saranac Lake and at Owens-Corning Fiberglas Corporation and elsewhere, indicate that during the period of time when Owens-Illinois was in the business of manufacturing asbestos-containing products, the state of government, industrial hygiene and medical community knowledge was that there was a recognized safe exposure level for asbestos dust and that persons installing insulation were not exposed to excessive or hazardous levels of asbestos dust. The foregoing documents also indicate that Kaylo plant employees were x-rayed periodically and displayed no asbestos-related chest disease; that this defendant made appropriate efforts to provide ventilation and to control the emissions of all dust emitted during the manufacturing process within recognized safe levels of exposure, including the use of respirators in some instances, dust collection equipment and other devices as necessary; and that therefore during the period in which this defendant was in

the business of manufacturing Kaylo it had no reason to believe that the foreseeable use of Kaylo would create a hazard to users.

The documents produced by Owens-Corning Fiberglas Corporation indicate that the September, 1955 publication in the A.M.A. Archives of Industrial Health was a publication of inhalation experiments.

To the extent that this interrogatory seeks the production of documents, such documents, as outlined in this response, have not been found as part of this defendant's records and, to the extent that this defendant is in possession of copies of documents, it possesses copies only of documents collected in preparation for litigation. This defendant objects to producing the same. The documents are available from their proper source.

Q. 27. Does defendant have information that plaintiff was told anything about the relationship between asbestos exposure and health? If so, state the following:

- (a) When he was told;
- (b) Where he was told;
- (c) By whom he was told;
- (d) Who was present at the time;
- (e) What was said.

A. 27. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 28. Did defendant ever suggest or recommend that persons using or exposed to the dust from defendant's asbestos-containing products might or should use any device to reduce exposure to, or inhalation of, asbestos dust or fibers? If so, please state for each and every such suggestion or recommendation:

(a) Date, time and place when each such suggestion or recommendation was made;

(b) Identify each person present when such suggestion or recommendation was made to or received by plaintiff;

(c) Identify each person receiving same or similar suggestion or recommendation;

(d) Exact wording and content of such suggestion or recommendation;

(e) Whether such suggestions or recommendation was written or oral, and

(1) If written, please identify in detail each such writing;

(2) If oral, identify all persons involved and details as to the manner in which each such suggestion or recommendation was presented;

(f) Type, make and model of each device referred to in each such suggestion or recommendation. (Source: GAF's Int. 58 in Reed, 83 L 68.)

A. 28. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 29. Identify by title and date of publication each catalog, advertising brochure, one-half page or larger advertisement, or similar document which you have published regarding asbestos or products containing asbestos available from defendant or its corporate predecessors.

A. 29. Refer to documents attached hereto as Exhibit I.

Q. 30. Did any employee or agent of defendant or its corporate predecessor send or receive any correspondence concerning safety hazards or safety precautions related to exposure to asbestos?

A. 30. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 31. If the answer to the preceding interrogatory is affirmative, state as to each correspondence, the name and address of the person signing the correspondence, the date thereof, and to whom the correspondence was addressed.

A. 31. Refer to answer to Interrogatory No. 30.

Q. 32. During the period from 1966-1988 did defendant have a national, regional, or local sales office whose responsibility included serving the state of Illinois or areas within the State of Illinois? If yes, state the following:

(a) Where the sales office was located;
(b) The name and current address of the head of that sales office;

(c) The name, position title, and last known address of the person whose responsibility it was to cover the area which included Illinois.

A. 32. Not applicable to this defendant. This defendant ceased all involvement in the asbestos-containing product business in 1958.

Q. 33. During the period from 1966-1988 which of defendant's employees were responsible for marketing defendant's

- (b) First named plaintiff, case number, and court in which case is pending;
- (c) Date of testimony;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

A. 35. This defendant objects to this interrogatory as being vague, ambiguous, unintelligible, irrelevant, overly broad, burdensome and oppressive, not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. Without waiving the above objection, these documents are a matter of public record and are as available to the plaintiff as they are to this defendant.

Q. 36. In Owens-Illinois, Inc.'s Fifth Affirmative Defense to the Complaint in Wilkerson, McLean County No. 88 L 236, Owens-Illinois, Inc. states that "the negligent acts and/or omissions of (Frank Wilkerson) were the sold proximate cause or a proximate contributing cause of the injuries and damages complained of."

During the decade of the 1960's, were there in effect within defendant, or at the site where employees of defendant were using or working near asbestos-containing products manufactured or sold by defendant, any rules, regulations or other requirements concerning the safe and proper manner of using asbestos-containing products manufactured or sold by defendant?

If yes, please state for each rule, regulation or other requirement:

- (a) The name, number or otherwise identify the rule, regulation or other requirement;
- (b) When the rule, regulation or other requirement was promulgated;

(c) The content of the rule, regulation or other requirement;

(d) Whether Owens-Illinois, Inc. fully enforced the rule, regulation or other requirement;

(e) If Owens-Illinois, Inc. did not fully enforce the rule, regulation or other requirement, why not?

A. 36. Not applicable to this defendant. This defendant ceased all involvement in the asbestos-containing product business in 1958.

Q. 37. In Owens-Illinois, Inc.'s Fifth Affirmative Defense to the Complaint in Wilkerson, McLean County No. 88 L 236, Owens-Illinois, Inc. states that "the negligent acts and/or omissions of (Frank Wilkerson) were the sold proximate cause or a proximate contributing cause of the injuries and damages complained of."

During the decade of the 1970's, were there in effect within defendant, or at the site where employees of defendant were using or working near asbestos-containing products manufactured or sold by defendant, any rules, regulations or other requirements concerning the safe and proper manner of using asbestos-containing products manufactured or sold by defendant?

If yes, please state for each rule, regulation or other requirement:

(a) The name, number or otherwise identify the rule, regulation or other requirement;

(b) When the rule, regulation or other requirement was promulgated;

(c) The content of the rule, regulation or other requirement;

(d) Whether Owens-Illinois, Inc. fully enforced the rule, regulation or other requirement;

(e) If Owens-Illinois, Inc. did not fully enforce the rule, regulation or other requirement, why not?

A. 37. Not applicable to this defendant. This defendant ceased all involvement in the asbestos-containing product business in 1958.

Q. 38. In its Fourth Affirmative Defense to the Complaint in Wilkerson, McLean County No. 88 L 236, Owens-Illinois, Inc. states that the injuries sustained by Frank Wilkerson were proximately caused by his "free and voluntary acts of knowing and voluntarily placing himself in a position of danger and thus assuming the risks ordinarily incident to such acts."

State the following information regarding each such "risk" of which you are aware:

- (a) The name of or medical term describing the risk;
- (b) The date, time and place you first acquired an awareness that this risk was asbestos-related;
- (c) Specific identity of each source of information providing or leading to such awareness;
- (d) Any change in your behavior (meaning the behavior of defendant), plant operations, work methods, etc., precipitated by such awareness.

A. 38. The affirmative defenses were asserted on advice of counsel to prevent waiver of those defenses. This case has just begun and this defendant has not yet engaged in sufficient discovery to answer this interrogatory.

Q. 39. Pursuant to Supreme Court Rule 213(3), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to how or why the occurrence of exposure described in the Complaint took place.

A. 39. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has not found information in its records sufficient to enable it to answer this interrogatory.

Q. 40. Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to the nature and extent of Frank Wilkerson's injury.

A. 40. This defendant objects to this interrogatory as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and not limited to any issue which is the subject of this case. This defendant further objects to this interrogatory on the grounds that it seeks information within the work-product privilege and on the ground that it is oppressive and burdensome in that it would have to review all of the files and all of the records of all of its attorneys all over the country to respond to this interrogatory.

AFFIDAVIT

STATE OF OHIO)
)SS:
COUNTY OF LUCAS)

A. H. SMITH, being duly sworn according to law, deposes and says that he is an Assistant Secretary of Owens-Illinois, Inc., a defendant herein; that as such he is authorized to make an Affidavit on its behalf; and that the facts set forth in the foregoing DEFENDANT, OWENS-ILLINOIS, INC.'S ANSWERS TO INTERROGATORIES, are true and correct to the best of his knowledge, information and belief.

A. H. Smith

A. H. SMITH

SWORN TO and subscribed
before me this 6th day
of June, 1989.

Shirley J. Broczynski
Notary Public

My Commission Expires:

SHIRLEY J. BROCYNSKI
Notary Public, State of Ohio
My Commission Expires Oct. 15, 1992

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing same in an envelope with postage fully prepaid, and by depositing said envelope in a United States Post Office mail box in Peoria, Illinois, on June 15, 1989, addressed to such attorneys at their business address as disclosed by the pleadings of record herein.

W. H. R. P.

Copy Mailed To:

See attached list

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WILKERSON - WILKERSON.E

ELEVENTH CIRCUIT, McLean County, No. 88 L. 236

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