



IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, ET AL.,

Plaintiffs,

-Against-

CASE NO. CV96 01 0191
(Hon. George Elliott)

A-BEST PRODUCTS COMPANY, ET AL.,

Defendants.

**DEFENDANT RAPID-AMERICAN CORPORATION'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' MASTER SET OF INTERROGATORIES**

Pursuant to the Ohio Rules of Civil Procedure, Defendant Rapid-American Corporation ("Rapid") by its attorneys, McCarthy, Lebit, Crystal & Haiman Co., L. P. A., hereby responds to and answers Plaintiffs' Interrogatories Propounded to Defendant Rapid-American Corporation (the "Interrogatories") as follows:

GENERAL OBJECTIONS

1. Rapid objects to the Interrogatories on the grounds that the specific interrogatories are overbroad, burdensome, or oppressive, or call for information or for the production of documents which is not relevant to the subject matter of the litigation nor reasonably likely to lead to the discovery of relevant or admissible evidence.
2. Rapid objects to the Interrogatories to the extent that they seek materials protected from disclosure by the attorney-client privilege or attorney work product doctrine.

3. Rapid objects to the Interrogatories on the grounds that the specific interrogatories contain words or phrases susceptible to various and conflicting interpretations. Consequently, responses to many of the interrogatories call for speculation on the part of Rapid. Rapid will respond to any ambiguous interrogatory based upon its reasonable interpretation of the particular interrogatory.

4. Rapid objects to the Interrogatories on the grounds that certain specific interrogatories are duplicative or overlapping of certain other interrogatories. Hence, answers or documents responsive to one interrogatory may also be responsive to several other interrogatories, making the categorization of those answers and documents unduly burdensome and oppressive.

5. Because Rapid neither by itself nor through a subsidiary corporation, does not now, nor has it in the past ever mined, milled, manufactured, distributed, installed, sold, marketed, produced, advertised for sale, processed, labeled or relabeled, or been associated, involved or related to any asbestos business or asbestos-containing products, certain of these interrogatories are not applicable. In such instances, Rapid has responded accordingly.

6. Rapid does not now possess, nor has it ever possessed sufficient information to respond to the Interrogatories with respect to alleged predecessors. Hence, each response indicated herein speaks only to Rapid.

7. Where Rapid agrees to produce a document it will do so in accordance with the Ohio Rules of Civil Procedure at the place of business where such documents are located at a time to be agreed upon by counsel for both parties.

8. Neither Rapid's agreement to produce, nor its objection to the production of, any document or any category of documents, is to be construed as an admission that any document or documents exist within such category or categories.

Subject to and without waiving the foregoing objections, all of which are incorporated by reference into each and every response herein below, Rapid responds as follows:

CORPORATE NAME

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.

Paul Weiner, Vice-President of Rapid-American Corporation, 667 Madison Avenue, New York, New York 10022.

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.

ANSWER:

Rapid objects to this interrogatory on the grounds that it is beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, ambiguous, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid-American Corporation is a Delaware corporation. Rapid's principal place of business is 667 Madison Avenue, New York, New York 10022. Rapid was incorporated in 1981.

3. Please describe Defendant's corporate history including any:
 - (a) Mergers;
 - (b) Consolidations;
 - (c) Asset purchases;
 - (d) Acquisitions; or
 - (e) Spinoffs.

ANSWER:

Rapid objects to this interrogatory on the grounds that it is beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, ambiguous, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

4. Please state whether or not the 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 of each such corporation or entity;
- (b) Date of acquisition;
- (c) The nature of the company as it relates to asbestos.

ANSWER:

Rapid objects to this interrogatory on the grounds that it is beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, ambiguous, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

EVER SELL ASBESTOS

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, or Defendant's subsidiary);
- (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).
- market;
- (c) The time period during which each of these products were on the
 - (d) A description of the physical composition of each 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never ever engaged in the mining, manufacturing, selling, marketing, or distribution of asbestos-containing products.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory 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:

See Response to Interrogatory No. 5.

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:

See Response to Interrogatory No. 5.

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 and Illinois 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:

See Response to Interrogatory No. 5.

8.1 Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If your answer is "yes", please state the basis of your answer.

ANSWER:

See Response to Interrogatory No. 5.

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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (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) Please identify all documents relating to the sales to each such company.

ANSWER:

See Response to Interrogatory No. 5.

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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, 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:

See Response to Interrogatory No. 5.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

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

(b) The location of such records.

ANSWER:

See Response to Interrogatory No. 5.

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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, 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; and
- (d) Whether that person is still alive.

ANSWER:

See Responses to Interrogatory Nos. 8.1, 8.2 and 8.3.

10. Did

Defendant ever have any division or subsidiary engaged in the contract business of applying 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975? If so, please state:

1. The dates of such contracts;
2. The specific asbestos-containing products that were used in each contract.

ANSWER:

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, to the best of its knowledge Rapid never had any division or subsidiary engaged in the contract business of applying asbestos-containing insulation.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, to the best of its knowledge Rapid never had any division or subsidiary engaged in the contract business of applying asbestos-containing refractory.

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:

See Response to Interrogatory No. 5.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

INFORMATION ABOUT DESIGN/TESTING

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:

See Response to Interrogatory No.5.

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:

See Response to Interrogatory No. 5.

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:

See Response to Interrogatory No. 5.

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:

See Response to Interrogatory No. 5.

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:

See Response to Interrogatory No. 5.

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 Response to Interrogatory No. 5.

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 Response 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 Response to Interrogatory No. 5.

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.

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

INFORMATION ABOUT SAFETY

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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.

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Further, to the best of its knowledge, Rapid has never employed, retained or otherwise engaged for research, investigation or study concerning asbestos or asbestos-related diseases any physicians, industrial hygienists, or other employees.

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:

See Response to Interrogatory No. 27.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product. Further, to the best of its knowledge, Rapid has never had a medical department, industrial hygiene divisions, engineering department or consulting physicians.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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 Response 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid, to the best of its knowledge, does not maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid, to the best of its knowledge, never commissioned or participated 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.

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")?

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid lacks the knowledge to either admit or deny whether a report of some of the studies of Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" was published by A.J. Lanza, Assistant Medical Director and J. published in the Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report").

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

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 Response to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which the 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

40. Please state whether, prior to 1975, the 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid, to the best of its knowledge, never sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed.

WARNINGS/SALES PROMOTION

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:

See Response to Interrogatory No. 5.

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.

See Response to Interrogatory No. 5.

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? 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:

See Response to Interrogatory No. 5.

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:

See Response to Interrogatory No. 9.

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO A.K. Steel Hamilton Plant 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

See Response to Interrogatory No. 5.

KNOWLEDGE OF PREVIOUS INJURIES

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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

49. Has Defendant obtained statement from any witnesses including the 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it seeks disclosure of information protected by the attorney/client or work product privileges.

Notwithstanding said objections, and without waiving any rights thereto, Rapid states that discovery is ongoing and it has not obtained a statement from any witnesses, including plaintiffs at this time. Such will be disclosed in accordance with the Ohio Rules of Civil Procedure.

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

ANSWER:

See Response to Interrogatory No. 5.

51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed 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:

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence. Moreover, defendant objects to this interrogatory on the ground that it seeks the opinion of an expert which this defendant is not qualified to give.

RESPIRATORS

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:

See Response to Interrogatory No. 5.

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

- (a) Their identity, 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it seeks disclosure of information protected by the attorney/client or work product privileges. Notwithstanding said objections, and without waiving any rights thereto, Rapid states that discovery is ongoing and it has not yet determined what expert witnesses it may call at trial. Such will be disclosed in accordance with the Ohio Rules of Civil Procedure.

54. Please state **the name** and last know 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. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it seeks disclosure of information protected by the attorney/client or work

product privileges. Notwithstanding said objection, and without waiving any rights thereto, Rapid states that discovery is ongoing and it has not yet determined what expert witnesses it may call at trial. Such will be disclosed in accordance with the Ohio Rules of Civil Procedure.

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

ANSWER:

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence and calls for a legal conclusion.

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

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid states that the information sought by this interrogatory may be derived from documents Rapid is willing to produce pursuant to the Ohio Rules of Civil Procedure. Rapid will produce such responsive documents in its possession at a time and place to be agreed upon by counsel for both parties. Rapid further states that documents will only be made

available subject to a written agreement that the contents of any and all insurance agreements produced will be held in strict confidence by plaintiffs' counsel and others in their firm and will not be disseminated, or the information set forth therein disclosed, to any other person or entity.

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

ANSWER:

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory to the extent it seeks disclosure of information protected by the attorney client or work product privileges. Notwithstanding said objections, and without waiving any rights thereto, Rapid states other than the plaintiffs, it is unable at this time to state who has knowledge of facts relevant to this case. Furthermore, Rapid states that discovery is ongoing and it has not yet determined what witnesses it may call at trial. Such will be disclosed in accordance with the Ohio Rules of Civil Procedure.

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

Objection. Rapid objects to this interrogatory as beyond the scope of the Ohio Rules of Civil Procedure. It is overly broad, unduly burdensome, and lacks the requisite specificity and is unlikely to lead to the discovery of admissible evidence.

Notwithstanding such objection, Rapid has never produced, manufactured, designed, processed, mined, milled, relabeled, rebranded, advertised, distributed, marketed, handled, sold or otherwise placed in the stream of commerce any asbestos-containing product.

Moreover, Rapid has not ever been involved in the asbestos business in any manner whatsoever. Hence, this interrogatory is not applicable.

Dated: January 29, 1997

Respectfully submitted,

David A. Schaefer
McCARTHY, LEBIT, CRYSTAL &
HAIMAN CO., L.P.A.
1800 Midland Building
101 Prospect Avenue, West
Cleveland, OH 44115-1088
(216) 696 - 1422

Richard Adam Senzer
RUBIN BAUM LEVIN CONSTANT & FRIEDMAN
30 Rockefeller Plaza
29th Floor
New York, New York 10112
(212) 698 - 7700

ATTORNEYS FOR DEFENDANT
RAPID-AMERICAN CORPORATION

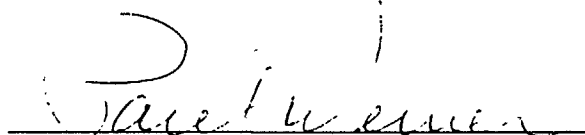
VERIFICATION

STATE OF NEW YORK §

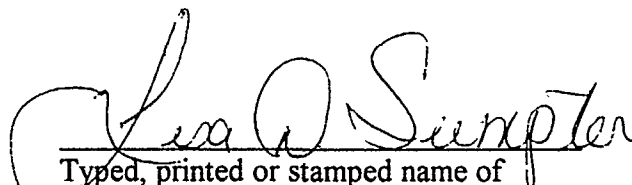
COUNTY OF NEW YORK §

I, PAUL WEINER, am Vice-President of RAPID-AMERICAN CORPORATION, and am duly authorized to execute, under oath and on behalf of RAPID-AMERICAN CORPORATION, the attached Rapid-American Corporation's Objections And Responses To Plaintiff's Master Set of Interrogatories.

The information set forth in these Responses was collected by corporate personnel and other persons with knowledge of the facts; such information is not necessarily within my personal knowledge. However, on behalf of the corporation I solemnly affirm, under the penalties of perjury, that the foregoing Responses are true and accurate to the best of my knowledge, information and belief.


PAUL WEINER

SUBSCRIBED AND SWORN TO BEFORE ME on this the 31st day of January 1997
by the said PAUL WEINER, to certify which witness my hand and official seal.


Typed, printed or stamped name of
Notary Public, in and for the
State of New York
My commission expires:
May 20, 1998

LISA D. SUMPTER
Notary Public, State of New York
No. 01SU5080391
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires May 20, 1998