



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO, et al.	)	CASE NOS. 323629-323678
	)	
Plaintiffs,	)	(Hanna J.)
	)	
-vs-	)	
	)	
A-BEST PRODUCTS COMPANY, et. al.,	)	IN RE: ALL BARON & BUDD
	)	ASBESTOS CASES
	)	
Defendants.	)	

**ANSWERS OF DEFENDANT, FRANK W. SCHAEFER, INC.,
TO PLAINTIFF'S MASTER SET OF INTERROGATORIES**

INSTRUCTIONS

1. Answer each Interrogatory separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection must be stated in lieu of answer.
2. An evasive or incomplete answer is deemed to be a failure to answer under Ohio Civil Rule 37(A).
3. Each Defendant is under a continuing duty to seasonably supplement its response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert witness at trial and the subject matter on which he or she is expected to testify. Furthermore, each Defendant, pursuant to Rule 26(E) of the Ohio Rules, is under a similar duty to correct any incorrect response when the Defendant later learns that it is incorrect, including in such supplemental answer the

date upon and manner in which such further or different information came to each Defendant's attention.

4. Unless otherwise specified, each of these Interrogatories are meant to apply to the time period from 1920 until the present.

5. Should the Defendant assert a privilege with respect to any information, defendant is requested to provide the following as to each such document or item of information:

- (1) The type of document or information (e.g., letter, notebook, telephone conversation, etc.),
- (2) The date of the document or transaction involving the information;
- (3) Identification of the author and/or all participants with respect to the information;
- (4) Identification of the signatory or signatories of the document, if any;
- (5) Identification of the document's current custodian;
- (6) The present whereabouts of the document and/or the names of all persons with personal knowledge with respect to the information; and
- (7) A statement of the grounds on which the claim of privilege rests with respect to each such document or piece of information withheld.

6. If your answer states that the Defendant is undertaking an investigation of the subject matter of the Interrogatory, state when the investigation began, what steps comprise the investigation and what documents are being reviewed as part of the investigation.

7. The following terms are defined as follows for the purpose of these Interrogatories:

DEFINITIONS

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant separately answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries foreign subsidiaries of predecessors, and/or affiliates. This includes, but is not limited to, those known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products or that incorporated asbestos or asbestos-containing products at any work site. This definition includes present and former officers, directors, servants, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products. "Predecessors" further means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be acquired by you whether by merger, consolidation, or otherwise known to have mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" further means any business firm, whether or not incorporated' which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which

is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

2. "Document" includes, but is not limited to, correspondence, letter, memoranda, message, note, report, cable, telegram, photograph, film, tape, and all other written communications of every kind and character; note, recording disk, or any other record of oral communication; microfilm; worksheet; schedule; exhibit; demonstrative aid; letter; contract; agreement; deeds, bills of sale, deeds of trust, security agreements, leases and other instruments or documents of title; maps; diagrams; logs; summaries; printouts; graphs, charts; compilations, tables; publications; manuals; minutes; by-laws; articles of incorporation; resolution; shareholder endorsements; partnership documents; minute books, diaries; calendars, bank statements, tax returns; lists; tapes, video tapes; and any other data compilations from which information can be obtained and translated.

3. "Identify" means to give the date, title, origin, author, and addressee to enable plaintiff to retrieve it from a file; and further, identify means to give the name, address, position, title, and whether a person is employed or not employed by the Defendant.

4. The words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.

5. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.

6. The words "describe" or "description" when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.

7. The words "product containing asbestos fibers," "asbestos-containing products," "asbestos products" all refer to any products or materials prepared in any way for sale and/or distribution that contained any kind of asbestos in any possible form. The words "asbestos materials" refer to any and all materials, substance, or matter used or assembled or fabricated during the manufacture of a product, and that contain at least some asbestos fibers. "Product" includes, but is not limited to, pipecovering, turbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, boilers, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings finishing compound, texture, and other construction, building, drywall, lath and insulation materials.

8. The words "design changes," and "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to, variations in the amount or type of asbestos used in the process of manufacturing the product.

9. The words "distribute," "distributed," "distributor," and "distribution" all refer to the sale, marketing, dispersal and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders provided by other business concerns. The word "distributor" specifically refers to a company or its sales representatives, whether dependent or independent, responsible for sales or marketing of products.

10. The words "marketed," and "market" mean and include all efforts to assist in the distribution and/or sale of products. More generally, these terms refer to only efforts on your part or the part of manufacturers or distributors to sell or otherwise distribute products.

11. The words "medical advisory capacity" refer to the duties, abilities or capabilities of any member of Defendant's staff, or any individual or organization who has contracted with Defendant, to provide services of a medical nature, including but not limited to providing medical advice.

12. The words "trade organization," or "trade association" mean any organizations or associations of business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.

13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component

parts, materials, substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.

14. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, prepare for fabrication or assembly, or any other action taken prior to completion of the product or material before the time of its shipment.

15. The words "sales materials," or "written sales materials" mean any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.

16. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products, either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name.

17. The words "research" and "research department" refer to efforts, whether scientific or otherwise, to develop new and/or different types of products, processes or designs of pre-existing products and is meant to incorporate all efforts that specifically contemplated the possible alteration of products.

18. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual

capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health, including but not limited to, the safety of Defendant's workers and the safety of individuals using products manufactured by the Defendant.

19. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining air quality, air contamination, dust content, safety of a facility or hazards at any site or facility.

20. The words "health hazards," or "potential health hazards" refer and relate to any injury, effect, damage, scarring, wound, impairment or disability of any part of the human anatomy, including but not limited to the lungs and lung linings.

21. The terms "test" and "testing" are used in their broadest sense, including but not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in such airborne test samples, studies of the lung conditions of workers (by x-ray or other means of medical surveillance), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses and any other studies on the product concerning health and safety required by any governmental agency.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant, Frank W. Schaefer, Inc. states the following general objections, which apply to all Interrogatories and all definitions.

The following objections are incorporated by reference in response to various Interrogatories and should be treated as fully set forth therein by that reference.

Additional specific objections are stated where applicable to individual Interrogatories.

Answers provided are subject to, and without waiver of any objections stated herein.

- A. Frank W. Schaefer, Inc., (hereinafter referred to as "FWS") objects to all Interrogatories to the extent that they seek information protected from disclosure by the attorney/client privilege or work product doctrine.
- B. FWS objects to all Interrogatories to the extent that they are vague, ambiguous, overly broad and unduly burdensome, seek information not relevant to the subject matter of this lawsuit, and are not reasonably calculated to lead to the discovery of admissible evidence. Moreover, FWS objects to all requests seeking information unrelated to the business of FWS, and all Interrogatories seeking information prior to the commencement of the business operations of FWS.
- C. FWS objects to answering Interrogatories to the extent that the information requested may be derived and ascertained readily by the Plaintiffs and with the burden of deriving or ascertaining said information is substantially the same for the Plaintiffs as for FWS.
- D. FWS objects to any and all Interrogatories which seek conclusions of law unrelated to properly discoverable facts.

- E. FWS objects to all Interrogatories which seek information that FWS does not possess and which would be more properly directed to the Plaintiff's employer.
- F. FWS objects to Plaintiff's preliminary instructional paragraphs and definitions. Plaintiff's definitions are overly broad, unduly burdensome, and are not reasonably calculated to lead to the discovery of admissible evidence.
- G. FWS also objects to Plaintiff's preliminary instructional paragraphs and definitions on the grounds that they are vague and that many, if not all, of the terms used and/or sought to be defined by the Plaintiffs, are terms that contain certain legal significance and/or connotations.
- H. Discovery is continuing in this matter, and FWS reserves the right to amend these answers at a later date if and when new information becomes available during the course of discovery in this matter.
- I. FWS objects to each of these Interrogatories to the extent that they seek a detailed and comprehensive statement, amounting to a lengthy "white paper," containing all the evidence on each situation. The Plaintiffs seek to have this Defendant set forth a picture or history with particulars or a narrative of events by

words or drawings, which are not interrogatories, as contemplated by the Ohio Rules of Civil Procedure. Further, said Interrogatories seek a categorical response, leave everything to the discretion of the Defendant, bears no relationship to the simple question and answer at trial as contemplated by the Rules, and, therefore, are improper. *See e.g., Penn Central Transportation Co. v. ARMCO Steel Corporation*, 27 Ohio Misc.2d 76 (Montgomery Cty. 1971).

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.

ANSWER: Charles E. Robinson, Controller of Frank W. Schaefer, Inc., 14 years.

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

ANSWER: All documents not subject to attorney/client privilege, attorney work product, that are not irrelevant, immaterial, beyond the scope of discovery or in violation of the Ohio Rules of Civil Procedure and/or the Case Management Order issued by this Court, which are not objected to

via the preliminary statement and preliminary objections, are attached where applicable and where required to these responses.

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

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER: (a) Frank W. Schaefer, Inc.
(b) Ohio
(c) 1500 Humphrey Avenue, Dayton, Ohio 45410
(d) Richard L. Schaefer
(e) Not applicable

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

- a. if defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- b. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of in/corporation, and the name of Defendant at the time of acquisition;
- c. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- d. the date of each such acquisition;
- e. the state in which each such acquisition was effected;
- f. the state law governing each such acquisition if specified by contract;
- g. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- h. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory

ANSWER: (a) Mr. Frank W. Schaefer opened up a sole proprietorship in approximately 1930 to approximately 1950, which he called Plibrico Sales and Service Company. In approximately 1950, Mr. Schaefer incorporated as Frank W. Schaefer, Inc. The company has also been known as Plibrico Sales and Service, a Division of Frank W. Schaefer, Inc.

- (b) - In or about 1960 or 1961, Frank W. Schaefer, Inc. bought some portion
- (d) of the C.W. Boehr & Company. Based upon information available to date, the terms of this purchase are unclear. It appears, however, that Frank W. Schaefer, Inc. purchased most of the stock of C.W. Boehr & Company, with Mr. Clarke W. Boehr retaining some portion of that stock. The company was known as C.W. Boehr, Inc. It was sold to the Boehr Insulation Company, Inc. in or about 1963. Based upon the information available to date, the terms of this sale are unclear.
- (e) Ohio
- (f) Unknown
- (g) Unknown
- (h) Minutes of the shareholder and director meetings of 1-18-61, 1-8-62, 1-2-63, 1-4-64

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 or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- b. the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- c. the date of each such acquisition;

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

ANSWER: No.

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

- a. the name of the entity involved in the placing of asbestos products into the stream of commerce;
- b. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- c. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name:
- d. the name, positions and a brief description of the responsibilities of the person or persons serving the answering defendant and the entity simultaneously including the positions held with the entity and with the answering defendant.

ANSWER: Unknown.

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

ANSWER: While this Defendant never mined or manufactured asbestos, it did sell a small number of products which may have contained asbestos-containing products produced or manufactured by someone other than this Defendant.

(a) Plibrico Sales and Service; Frank W. Schaefer, Inc.

(b) See answer to Interrogatory 5(a). See also:

(1)	Rope	Gasket	Transite	Plisulate 101	Shorts	Pliseal	Millboard
(2)	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
(3)	1950's - 1970's	1960's & 1970's	1960's & 1970's	1960's	1960's	1960's	1960's & 1970's
(4)	White	White	Grey White	Grey turns White	Grey	Black	Greyish White

(5)	Seal Doors	Seal Doors	Electric hook-up insulator	Insulate outside of boiler stacks, breach	Trough linings	Seal old brick boiler walls	Low grade insulation board
(6)	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
(7)	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
(8)	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

- (c) OBJECTION: This Interrogatory is overly broad, vague, ambiguous and unduly burdensome. Without waiving these objections, and those noted earlier, unknown as this Defendant did not manufacture these products.
- (d) OBJECTION: This Interrogatory is overly broad, vague, ambiguous and unduly burdensome. Without waiving these objections, and those noted earlier, unknown as this Defendant did not manufacture these products.
- (e) OBJECTION: This Interrogatory is overly broad, vague, ambiguous and unduly burdensome. Without waiving these objections, and those noted earlier, unknown as this Defendant did not manufacture these products.
- (f) See Answer to Interrogatory No. 5(b)(4).
- (g) See Answer to Interrogatory No. 5(b)(5).

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: Unknown, as this Defendant did not manufacture or mine any asbestos containing products, and did not manufacture any of the products listed in 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: Unknown, as this Defendant did not manufacture or mine any asbestos containing products and did not manufacture any of the products listed in 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: OBJECTION: It is impossible for this Defendant to know who sold, marketed, distributed, labeled or packaged products of those other than itself. As such, this Defendant is unable to answer this Interrogatory.

8.01 Has this defendant ever purchased asbestos containing products from any other defendant?

ANSWER: Yes.

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

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

ANSWER: (a) Unknown.
(b) See answer to Interrogatory No. 5(b)(1).
(c) Unknown, but see answer to Interrogatory No. 5(b)(3).

8.03 Has this defendant ever sold asbestos containing products to any other defendant?

ANSWER: No.

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

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

ANSWER: Not applicable.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125 ° Fahrenheit since 1930. If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;

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

ANSWER: OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, or those noted earlier, yes.

- (a) Since the company was founded in approximately 1930
- (b) Approximately 1930 to the present
- (c) Not applicable
- (d) Not applicable
- (e) All areas where this Defendant has done or performed work
- (f) All

- (g) Unknown
- (h) Unknown
- (i) Unknown
- (j) Firebrick, plastic refractory, castible refractories, insulation board, hytemp mortar, insulation brick, wool batts, etc. In about 1970, ceramic fiber came along which replaced all of the asbestos products we used.
- (k) Firebrick, plastic refractory, castible refractories, insulation board, hytemp mortar, insulation brick, wool batts, etc. In about 1970, ceramic fiber came along which replaced all of the asbestos products we used.
- (l) OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.
- (m) OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.
- (n) OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.
- (o) OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.
- (p) OBJECTION: This Interrogatory is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

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

- (a) the name and address of the manufacturer;

- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution.
- (f) identify all documents relating the marketing or distribution.

ANSWER:

- (a) See answer to Interrogatory No. 5(b)(1).
- (b) See answer to Interrogatory No. 5(b)(1).
- (c) Purchasing
- (d) See answer to Interrogatory No. 5(b)(3).
- (e) Yes
- (f) None

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

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

ANSWER: OBJECTION - The word "believe" is vague, ambiguous and overly broad. Further, it is impossible for this Defendant to "believe" what asbestos-containing products were used at the sites listed in Exhibit A, if any, as that is beyond the scope of their knowledge. This Interrogatory asks for this Defendant to speculate as to what may or may not have

been used or done at places where this Defendant may or may not have ever been or done work, or to speculate as to what was done at sites during times where this Defendant was not present and would have no knowledge as to what occurred at those sites.

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

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

ANSWER: See answer to Interrogatory No. 8.1. Without waiving said objection, the answer to Interrogatories 8.2(a) through (d) is unknown, and 8.2(e) is none.

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

- (a) Name and address of each such company;

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

- ANSWER:**
- (a) See answer to Interrogatories No. 5 and No. 8.06.
 - (b) See answer to Interrogatories No. 5 and No. 8.06.
 - (c) Unknown
 - (d) See answer to Interrogatories No. 5 and No. 8.06.

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

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

- ANSWER:**
- (a) Richard L. Schaefer, Carl Schaefer, Jim Peters, and Charles E. Robinson, all of whom are employed at Frank W. Schaefer, Inc.
 - (b) None

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

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

ANSWER:

- (1)
 - Armco Steel, Ashland, KY
 - Armco Steel, Hamilton, OH
 - Armco Steel, Houston, TX
 - Armco Steel, Middletown, OH
 - Armco Steel, Muskingham County, OH
 - Armco Steel, Washington Courthouse, OH
 - (a) Frank W. Schaefer (deceased)
3028 Locust Camp Road
Dayton, OH 45419
 - (b) Approximately 1930 - 1975.
 - (c) Sell products and quote contracts.
 - (d) Deceased.
 - (e) OBJECTION. This Interrogatory is vague, ambiguous, overly broad and unduly burdensome. Without waiving these objections and the other objections noted earlier, none from 1945-1975.
- (2) Champion Paper, Hamilton, OH

- | | | | |
|------|-----|--|---|
| | (a) | Edward J. Creager (deceased)
4333 St. Martins Place
Cincinnati, OH 45211 | Jackson R. Cole
4509 Glenridge Drive
Cincinnati, OH |
| 1985 | (b) | Approximately 1949-1968 | Approximately 1964- |
| | (c) | Both in charge of sales and profit. | |
| | (d) | Deceased. | |
| | (e) | OBJECTION. This Interrogatory is vague, ambiguous, overly broad and unduly burdensome. Without waiving these objections and the other objections noted earlier, none from 1945-1975. | |
- (3) Anchor Hocking Glass, Lancaster, OH
Anchor Hocking Glass, Plant One, Lancaster, OH
Anchor Hocking Glass, Plant Two, Lancaster, OH
Babcock & Wiscox, Canton, OH
Dayton Walther, Portsmouth, OH
Meade Paper, Chilcothe, OH
- | | | |
|--|-----|--|
| | (a) | Stephen E. King (deceased)
2015 Schrock Road
Westerville, OH 43081 |
| | (b) | Approximately 1941 - 1982. |
| | (c) | Sell products and quote contracts. |
| | (d) | Deceased. |
| | (e) | OBJECTION. This Interrogatory is vague, ambiguous, overly broad and unduly burdensome. Without waiving these objections and the other objections noted earlier, none from 1945-1975. |

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

ANSWER: Beside those individuals listed in response to Interrogatory No. 9:

(A) Dayton, Ohio District:

- (1). Dana L. Peters, District Manager
823 Heather Drive
Dayton, OH 45405
- (2) James H. Peters, V.P. Operations, Corporate
425 Bowman Avenue
Tipp City, OH 45371
- (3) Carl W.D. Schaefer, Consultant, Corporate
575 East Dale Drive
Dayton, OH 45415
- (4) Richard L. Schaefer, President, Corporate
1234 Wabash Avenue
Dayton, OH 45405
- (5) James R. Constable, Retired
7821 Volk Drive
Dayton, OH 45415

(B) Columbus, Ohio District

- (1) Stephen King, Jr., Project Manager, Corporate
648 C. Churchill Avenue
Columbus, OH 43214

(C) Cincinnati, Ohio District

- (1) Cathy Miller, District Manager
5360 Millikin Road
Hamilton, OH 45011

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

- (a) The name of each subdivision;

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

ANSWER: OBJECTION: The words "applying" and "removing," when used with "asbestos-containing products," as defined in these Interrogatories, is vague, ambiguous and overly broad. Without waiving these objections, or those noted earlier, unknown.

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

ANSWER: Not to my knowledge.

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: Unknown, as this Defendant did not produce or manufacture any of these products.

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

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

ANSWER: No

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

- (a) the same of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;

- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER: OBJECTION. The term "tear out" is undefined, overly broad, vague and ambiguous, as is the entire Interrogatory. Without waiving those objections, and the objections noted earlier:

- (a) Frank W. Schaefer, Inc.
- (b) Part of the business of Frank W. Schaefer, Inc. is the production of furnaces. They have also from time to time engaged in the repair of furnaces and the related parts or materials which they did not manufacture.
- (c) See answer to Interrogatory No. 13.1(b).
- (d) It is believed that a small number of the furnaces installed/supplied by this Defendant may have contained a small amount of asbestos-containing products.
- (e) If any, the names are unknown.
- (f) This Defendant has no information relating to dates when there was or were any construction, erection or tear out at any of the sites listed on Exhibit A to these Interrogatories where asbestos-containing products were present.

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

- (a) a description of each such package;

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

ANSWER: No

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: Unknown. No one at this Defendant.

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

ANSWER: OBJECTION: As each job is different, it is impossible to state how the product, if at all, was to be used on a particular job or in a particular application. As such, this Interrogatory is vague, ambiguous, overly broad and unduly burdensome. Without waiving the above-noted objections, see answer to Interrogatory No. 5(b)(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: OBJECTION: As this Defendant was not engaged in the manufacture of asbestos-containing products, it has no knowledge of the method of manufacture of material contents of many, if not all, asbestos-containing products. Thus, this Interrogatory seeks information beyond the knowledge or expertise of this Defendant. Without waiving the above-noted objections, Pliseal was a tar-like substance that could be troweled on without creating dust.

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

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

ANSWER: OBJECTION. The terms "design" and "preparation" are vague and ambiguous. Without waiving the above-noted objections, this Defendant never designed any of the products listed in 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: None by this Defendant. It is unknown if the manufacturer, producer or designer of said products conducted any such tests.

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

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

ANSWER: OBJECTION. This Interrogatory is overly broad, vague, ambiguous, and unduly burdensome. Further, it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections and the objections noted earlier, see response to Interrogatory No. 18.

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: Not applicable.

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: Not applicable.

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. 18.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or

other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

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

ANSWER: No.

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: See response to Interrogatory No. 18.

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: the word "tear out" is undefined, vague, ambiguous, unduly burdensome and overly broad. Without waiving these objections, and those noted earlier, this Defendant has no information relating to tests at any of the sites listed in Exhibit A.

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: The term "likelihood" is vague, ambiguous and misleading. This Interrogatory is an attempt to elicit a legal conclusion from this Defendant without foundation or support. Without waiving these objections, or those noted earlier:

- (a) To the best of my knowledge, sometime in the early 1970's.
- (b) Through the public media and other public sources.
- (c) We have always followed current industry practice and all applicable state and federal laws and regulations regarding distribution of information regarding asbestos.
- (d) None.
- (e) 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: This Interrogatory assumes that tests were conducted by this Defendant. Without waiving these objections, and those noted earlier, sometime in the 1970's.

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

ANSWER: None.

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: None.

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: No.

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: This interrogatory is misleading as this Defendant did not have a medical department, research department, industrial hygiene division, engineering department or consulting physician between 1945 and 1975. Without waiving these objections, or those noted earlier, none.

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

ANSWER: See answer to Interrogatory No. 30.

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

Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute

National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association

If the answer is yes, state the following:

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

ANSWER: See answer to Interrogatory No. 30.

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: None.

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: Not applicable.

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: Not applicable.

33.1 State whether this defendant at any time caused to be conducted on any job site, any air sampling, dust counts, tests or other activities to determine air quality or worker safety. If your answer is in the affirmative, please indicate:

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

ANSWER: OBJECTION. This Interrogatory is overly broad, vague, ambiguous and unduly burdensome. Without waiving these objections, and those noted earlier, this Defendant has no information relating to tests at any of the sites listed in Exhibit A.

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: This Interrogatory is vague, ambiguous, and overly broad. Specifically, the words "library" and "research" are undefined and unclear. Without waiving these objections, or those noted earlier, no.

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: No.

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

ANSWER: Never

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

ANSWER: No.

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

ANSWER: No.

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. It is impossible for this Defendant to know what other companies were members of trade associations or trade organizations that this Defendant may have belonged to and whether or not those companies had anything to do with asbestos. Without waiving these objections, or those noted earlier, none to this Defendants knowledge.

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

ANSWER: See answer to Interrogatory No. 37. Without waving any of the objections noted above, no.

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: This Interrogatory is vague, overly broad, ambiguous, unduly burdensome and not reasonable calculated to lead to the discovery of admissible evidence. Without waiving these objections, or those noted earlier, this Defendant has no knowledge of articles printed and/or withheld in any technical or trade association periodical regarding potential hazards of asbestos.

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: No.

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 material 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: No.

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

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

ANSWER: No.

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

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

ANSWER: No.

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: No.

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: This Defendant has never manufactured asbestos-containing products, and thus is without the expertise necessary to answer this Interrogatory concerning the manufacturer of asbestos-containing products.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at

the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: No, the individuals and or companies listed on Exhibit A, including any individuals who owned, operated, or managed the facilities listed on Exhibit A, were all sophisticated users who knew as much, if not more, than FWS about the proper use of asbestos products. FWS relied upon those sophisticated employers to perform their work in a proper fashion.

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: No.

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

ANSWER: None

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

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

ANSWER: Not to my knowledge.

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

ANSWER: OBJECTION: This Interrogatory is overly broad, vague, ambiguous and unduly burdensome. Without waiving these objections, or those noted earlier, we have always followed current industry practice and all applicable state and federal laws and regulations regarding asbestos.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of

asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

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

ANSWER: See answer to Interrogatory 47.3.

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: No.

48.1 Describe the method by which you have maintained records concerning the manufacturer, sale, supply, distribution, use, advertising, delivery and/or

installation or tear-out of each of asbestos-containing products. For each description provide the following:

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

ANSWER: OBJECTION. The method by which this Defendant maintains its records is irrelevant and prejudicial to this Defendant. Documents that have been requested by the Plaintiffs, subject to the objections noted in the responses, have been supplied to the Plaintiffs. How those records were and/or are maintained or kept will not lead to the discovery of admissible evidence and is not reasonably calculated to do so. Further, this Interrogatory is unduly burdensome. Without waiving these objections, or those noted earlier, records associated with the financial position of the company are maintained by the controller in boxes and file cabinets. Purchase orders, delivery of materials and installation records are kept in the job file. Advertising, use or product records would be maintained by individual sales people and the district managers. William J. Seifried, George S. Gabbard, Charles E. Robinson.

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

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

ANSWER: See answer to Interrogatory 48.1. Without waiving the objections noted above, or any other objections, at various times over the course of time, and in the course of ordinary business, many records have been routinely discarded by this Defendant, due to either lack of storage space and/or relevance and/or time.

- (a) Various.
- (b) See answer to Interrogatory 48.1. Further, this Interrogatory is unduly burdensome. Without waiving these objections, or those noted above, Karen Culbertson, Madge Turpin and Charles Robinson.

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

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

ANSWER: See answer to Interrogatory No. 48.1. Without waiving those objections, or those noted earlier:

- (a) No.
- (b) Not applicable.

- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.

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

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

ANSWER: See answer to Interrogatory No. 48.1. Without waiving those objections, or those noted earlier:

- (a) No.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.

PLAINTIFF/DECEDENT

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. The Plaintiffs have not identified who their witnesses are. It is thus impossible to know who is or is not a "witness." Further, the Interrogatory does not state what the "witness" was allegedly a witness to. Thus the Interrogatory cannot be answered. Additionally, this Interrogatory does not comply with Ohio Rule of Civil Procedure 26(b)(3) and/or the Court's Case Management Order.

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: OBJECTION: This is a fact specific question as to each Plaintiff/decedent. Due to the complete lack of detail contained in the Complaints and discovery from the Plaintiffs regarding what products each specific Plaintiff was exposed to, it is impossible to answer this Interrogatory at this time.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed 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: See answer to Interrogatory No. 50. It should be noted that the Complaints completely failed to state where each Plaintiff/decedent was employed and/or worked.

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: OBJECTION: This Defendant does not make or manufacture respirators, masks or other breathing devices and, thus, is without knowledge or expertise regarding the ability of the same to prevent the inhalation of certain dusts and/or fibers.

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, treatises, articles, 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: This information will be provided in accordance with the Court's Case Management Order and the Ohio Rules of Civil Procedure.

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

ANSWER: OBJECTION: See answer to Interrogatory No. 53.

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

ANSWER: Yes.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

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

ANSWER: OBJECTION: See answer to Interrogatory No. 50.

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.

ANSWER: OBJECTION: This Interrogatory is prejudicial, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, and those noted earlier, yes. This information has been requested and will be provided upon receipt.

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

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were plaintiff or defendant;

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

ANSWER: OBJECTION. This Interrogatory is irrelevant, prejudicial and is not reasonably calculated to lead to the discovery of admissible evidence.

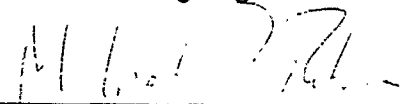
57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER: OBJECTION. This Interrogatory is overly broad, vague, ambiguous, and unduly burdensome. Further, this is a fact specific question as to each Plaintiff/decedent. Due to the complete lack of detail contained in the Complaints and discovery from the Plaintiffs regarding which products the specific Plaintiffs were exposed to, it is impossible to answer this question at this time. Further, said information is controlled by the Court's Case Management Order and/or the Ohio Rules of Civil Procedure, and such information will be disclosed pursuant to the time frames listed in the Order and/or Rules.

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

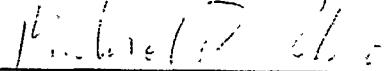
ANSWER: The exact date is unknown. It is believed to be sometime in the 1960's.

On behalf of all objections made in the foregoing answers and/or responses.


Michael P. Robic, II, Esquire (0063532)

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.


Michael P. Robic, II, Esquire (0063532)
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 392-5402

Attorney for Defendant Frank W.
Schaefer, Inc.

EXHIBIT A

BARON & BUDD SITE LIST

Anchor Hocking Glass, Lancaster, OH
Anchor Hocking Glass, Plant One, Lancaster, OH
Anchor Hocking Glass, Plant Two, Lancaster, OH
Armco Steel, Ashland, KY
Armco Steel, Hamilton, OH
Armco Steel, Houston, TX
Armco Steel, Middletown, OH
Armco Steel, Muskingham County, OH
Armco Steel, Washington Courthouse, OH
Babcock & Wilcox, Canton, OH
BlawKnox Corp., Wheeling, WV
Buckeye Steel, Columbus, OH
Cardinal PS/Brilliant PS/Tidd PS, Brilliant, OH
Centre Foundry, Wheeling, WV
Champion Paper, Hamilton, OH
Contours, Inc., Orrville, OH
Cooper Tire, Findley, OH
Dayton Walther, Portsmouth, OH
Harrison PS, Shinnston, WV
Ideal Foundry, Newton Falls, OH
Jones & Laughlin Steel, Youngstown, OH
Jones & Laughlin Steel, Cleveland, OH
LTV Steel, Cleveland, OH
LTV Steel, Jennings Road, Cleveland, OH
LTV Steel, East 45th Street, Cleveland, OH
LTV Steel, Campbell Road, Cleveland, OH
LTV Steel, West third Street, Cleveland, OH
LTV Steel, Massillon, OH
LTV Steel, Warren, OH
LTV Steel, Youngstown, OH
LTV Steel Briar Hill Works, Youngstown, OH
LTV Steel Campbell Works, Youngstown, OH
Lucans Steel, Massillon, OH
Martin Marietta, Woodville, OH
McComber Steel, Canton, OH
Meade Paper, Chillicothe, OH
Republic Engineered Steel Inc. (RESI), Canton, OH
Republic Steel, Canton, OH
Republic Steel, Eighth Street Plant, Canton, OH
Republic Steel, Plant A, Canton, OH
Republic Steel, Plant B, Canton, OH
Republic Steel, 3 Shop, Canton, OH

Republic Steel, 4 Shop, Canton, OH
Republic Steel, Berger Plant, Canton, OH
Republic Steel, Culvert Division, Canton, OH
Republic Steel, Stark Division, Canton, OH
Republic Steel, Cleveland, OH
Republic Steel, Massillon, OH
Republic Steel, Union Drawn Steel, Massillon, OH
Republic Steel, South Division, Massillon, OH
Republic Steel, Warren, OH
Republic Steel, Youngstown, OH
The Timken Company, aka Timken Roller Bearing, Canton, OH
The Timken Company, aka Timken Roller Bearing, Navarre Road SW, Canton, OH
The Timken Company, aka Timken Roller Bearing, Dueber Avenue, Canton, OH
U.S. Rubber, Clinton, OH
U.S. Steel, Canton, OH
U.S. Steel, Clairton, PA
U.S. Steel, McDonald Works, Youngstown, OH
U.S. Steel, Ohio Works, Youngstown, OH
U.S. Steel, Homestead, PA
Washington Steel, Massillon, OH
Weirton Steel, Weirton, WV
Wheeling-Pitt Steel, Allenport, PA
Wheeling-Pitt Steel, Beechbottom, WV
Wheeling-Pitt Steel, Benwood, WV
Wheeling-Pitt Steel, Yorkville, OH
Wheeling-Pitt Steel, Martins Ferry, OH
Wheeling-Pitt Steel, South Plant (Mingo Junction)
Wheeling-Pitt Steel, East Plant (Follansbee, WV)
Wheeling-Pitt Steel, North Plant (Steubenville)
Wheeling-Pitt Steel, Monessen, PA
Youngstown Sheet & Tube, Youngstown, OH

STATE OF OHIO
COUNTY OF BUTLER

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) SS:
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AFFIDAVIT

I, Charles E. Robinson, Controller of Frank W. Schaefer, Inc., being first duly sworn according to law, depose and say that I have read the foregoing Answers to Interrogatories, and that same are true and correct to the best of my personal knowledge or information and belief.



Charles E. Robinson

DATED: _____

9-15-97

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 15TH DAY OF

~~JULY~~, 1997.
SEPTEMBER


Notary Public

MY COMMISSION EXPIRES:

JOHN W. MILTZBERGER, Notary Public
in and for the State of Ohio
My Commission Expires 8-31-98

FRANK W. SCHAEFER