

FILE NAME: Ferro Engineering (FER)

DATE: 2013

DOC#: FER001

DOCUMENT DESCRIPTION: Plaintiff's Interrogatories

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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR KING COUNTY

10 JAMES B. TURNER and JOANNE K. LIPSON,
husband and wife,

11 Plaintiffs,

12 v.

13 FRASER'S BOILER SERVICE, INC., et al.,

14 Defendants.

NO. 13-2-17075-2 SEA

PLAINTIFFS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT ON
MARINE SERVICES COMPANY, LLC,
FERRO ENGINEERING DIVISION
(INCORRECTLY NAMED AS OGLEBAY
NORTON COMPANY) WITH ANSWERS

15
16 TO: ON MARINE SERVICES COMPANY, LLC FERRO ENGINEERING DIVISION

17 AND TO: Counsel for Defendant ON MARINE SERVICES COMPANY, LLC FERRO
ENGINEERING DIVISION

18 YOU ARE HEREBY SERVED with Plaintiffs' First Set of Interrogatories and Requests
19 for Production of Documents propounded to Defendant ON MARINE SERVICES COMPANY,
20 LLC, FERRO ENGINEERING DIVISION. These interrogatories must be answered, under oath,
21 within thirty (30) days of service pursuant to CR 33(a) and the General Style Order governing
asbestos litigation in this jurisdiction. Please type the answers in the space provided, adding
22 additional pages if necessary. Return the original to the office of Plaintiffs' attorney,
23 BERGMAN DRAPER LADENBURG, 614 First Avenue, 4th Floor, Seattle, Washington, 98104.
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INSTRUCTIONS

1. These discovery requests are to be regarded as continuing in nature, and You must supplement Your responses promptly if You obtain additional or different material before trial in this action.

2. These discovery requests cover all documents and information within the possession, custody, or control of, or reasonably available to, the responding defendant and its predecessor, successor, parents, subsidiaries, officers, directors, employees, agents, consultants, servants, attorneys, assigns, or any other representatives.

3. If any response, or portion thereof, is withheld or objected to on the basis of a claim of privilege or for any other reason, identify, with enough particularity to support a motion to compel, the discovery request for which the response, or portion thereof, has been withheld or objected to, the information that has been withheld or objected to, the specific claim or privilege or other reason for withholding the information and the basis for Your claim.

4. For each document produced in response to a discovery request, indicate on the document or in some other reasonable manner the number of the request(s) to which it responds.

5. If anything is deleted from a document produced in response to a discovery request, indicate the fact of deletion on the face of the document and state in Your response to such request:

- (A) the reason for the deletion; and
- (B) the subject matter of the deletion.

6. If any document otherwise responsive to any request is withheld under claim of privilege, furnish a list containing for each such document the following information:

- (A) the date of the document
- (B) the name and title of its author(s);
- (C) the name and title of each person to whom it was addressed;
- (D) the name and title of each person to whom it was sent;
- (E) the name and title of each person to whom it was disclosed in whole or in part;
- (F) the number of pages;
- (G) a brief description of its subject matter;
- (H) the request to which it is otherwise responsive; and
- (I) the nature of the claimed privilege.

7. For any documents produced in response to a request that are not now within the defendant's possession, custody or control, state in such response in whose possession, custody or control such documents may be found. If a document responsive to a request no longer exists, identify it and explain the circumstances of its loss or destruction. If no documents exist that are responsive to a request, so state.

8. Discovery requests calling for numerical or chronological information shall be deemed, to the extent that the precise figures or dates are not known, to call for estimates. In each instance in which an estimate is given, identify it as such and specify the source of information and the basis for the estimate.

1 9. All discovery requests which are stated in the conjunctive are to be read as if
2 also stated in the disjunctive, and vice versa (i.e., answer each request as if requiring an
3 "and/or" response). Similarly, in all discovery requests, the singular form of a noun is to be
4 read as including the plural form, and vice versa, and all verbs shall be construed to include all
5 tenses.

6 10. Unless otherwise specified, the time period for each discovery request shall
7 include the period from 1940 to 1979.

8 11. Pursuant to Rule 33(a), these Interrogatories are to be answered separately and
9 fully in writing under oath, unless objected to, in which event the reasons for objection are to be
10 stated in lieu of an answer in accordance with Instruction 3 above. The answers are to be
11 signed by the person making them and the objections signed by the attorney making them.

12 12. Where an Interrogatory requests the identity of each person with responsibility
13 over certain matters, the request shall be deemed to include each person, other than those with
14 wholly clerical duties, who has responsibility over the matter. The request shall not be limited
15 to the head of a department, division or branch, but shall include subordinate employees other
16 than clerical staff who have responsibility over the matter.

17 13. Where an Interrogatory seeks identification of documents, the defendant may in
18 lieu thereof attach a copy of the document(s) to its response to the Interrogatory pursuant to
19 Rule 33(e) of the Civil Rules. For each document produced, indicate on the document or in
20 some other reasonable manner the Interrogatory to which it responds.

21 14. If any Interrogatory cannot be answered fully, provide as complete an answer as
22 possible, state the reason for the inability to provide a complete answer, and provide any
23 information, knowledge or belief defendant has regarding the portion unanswered.

24 15. This discovery request requires production of drafts of documents covered by a
25 request as well as all non-identical copies of the documents, e.g., they would require the
26 production of a draft letter, the letter as sent and a copy of that letter on which there are
additional markings or writings.

27 DEFINITIONS

28 Unless otherwise defined herein, the following definitions apply to these discovery requests:

29 1. "You" means defendant ON MARINE SERVICES COMPANY, LLC FERRO
30 ENGINEERING DIVISION, its officers, directors, employees, parent corporations, subsidiary
31 corporations, affiliates, predecessors in interest, including specifically LINK-BELT
32 CORPORATION, agents, consultants, contractors, attorneys, representatives, and all other
33 persons acting or purporting to act on behalf of said defendant.

34 2. "Document" means any and all material that is written, printed, typed,
35 photographed, recorded (whether electrically, electronically, magnetically, graphically, or
36 otherwise) or which is capable of being recorded in any form. It includes, but is not limited to
papers, books, records, letters, photographs, tangible things, correspondence, communications,
telegrams, cables, Telex messages, memoranda, laboratory work papers, batch sheets, other

1 work papers, ledger sheets, transcripts, minutes, reports, and recordings of telephone or other
2 conversations or of interviews, conferences or other meetings, affidavits, statements,
3 summaries, opinions, reports, studies, drafts, drafts of studies, analyses, bulletins, notices,
4 announcements, advertisements, instructions, charts, manuals, brochures, publications,
5 schedules, journals, statistical records, desk calendars, appointment books, diaries, lists, logs,
6 well logs, field logs, tabulations, sound recordings, computer files, computer tapes, computer
printouts, gas chromatograms, mass spectra, data processing in-put and out-put, microfilm,
books of account, records, invoices, checks, notes, diagrams, maps, graphs, graphs or materials
with handwriting or other printing on them, books, library reference, textbooks, treatises, and
other tangible material.

7 3. "Component" means any internal or external part of one of Your products, items,
8 or pieces of equipments even if such part was not originally manufactured by You, including
but not limited to brake and clutch friction material.

9 4. "Relate to" or "relating to" means referring to, constituting, defining,
10 concerning, containing, embodying, reflecting, identifying, stating, illustrating, dealing with, or
11 in any way pertaining to.

12 5. "Identify" or "identity" means:

13 (A) with respect to a natural person, to provide the person's (i) full name, (ii) present
or last known business and home addresses and phone numbers, (iii) present or last known
14 employer and position with that employer; and (iv) employer and position at the time relevant
to the interrogatory involved;

15 (B) with respect to an entity other than a natural person, to provide (i) the full name
of the organization or entity; (ii) the present or last known address of the organization or entity,
16 and (iii) the name, title and address of its chief executive officer;

17 (C) with respect to a document, to provide the document's (i) date; (ii) author and
signatory; (iii) type (e.g., letter, memorandum); (iv) title and subject matter; (v) addressee and
18 all other persons receiving copies; (vi) custodian; and (vii) its present or last known location;

19 (D) with respect to an act, action, or activity, to provide: (i) a description of the act
or activity; (ii) the date it occurred; (iii) the place it occurred; (iv) the identity of each document
20 relating to the act or activity; and (v) the identity of each person who participated or engaged in
the act or activity;

21 (E) with respect to a communication, to provide: (i) the date of the communication;
(ii) the place it occurred; (iii) the identity of each person who originated, received, participated,
22 or was present during the communication; (iv) the type of communication (e.g., letter, telegram,
telephone conversation); (v) the identity of each document relating or referring to or comprising
23 such communication; and (vi) the substance of the communication.

1 INTERROGATORIES and REQUESTS FOR PRODUCTION submitted this 10th day of
2 June, 2013.

3 BERGMAN DRAPER LADENBURG

4 s/Vanessa Firnhaber Oslund

5 Vanessa Firnhaber Oslund, WSBA #38252

6 Counsel for Plaintiffs
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1 Defendant Ferro Engineering Division of ON Marine Services Company, LLC, a
2 Delaware limited liability company (Defendant), incorrectly named in the Plaintiffs' Complaint
3 as Oglebay Norton Company a/k/a Oglebay Norton Engineered Materials, a/k/a ON Marine
4 Services, Inc., and its division The Ferro Engineering Division, by and through its undersigned
5 attorneys, hereby submits the following answers and objections to Plaintiffs' First Set of
6 Interrogatories and Requests for Production to the above-named Defendant.
7

8 GENERAL OBJECTIONS

9 At no time did Defendant manufacture, sell, distribute or supply any asbestos-containing
10 products, other than through its former division, Ferro Engineering. Any and all products,
11 including those containing asbestos, were manufactured by and sold through the Ferro
12 Engineering Division. Defendant therefore responds to Plaintiffs' First Set of Interrogatories and
13 Requests for Production of Documents on behalf of its former division, Ferro Engineering.
14 Notwithstanding the above, Defendant objects to the following First Set of Interrogatories and
15 Requests for Production insofar as they seek information which is subject to attorney-client
16 privilege or work-product doctrine, or which is otherwise not discoverable under the provisions
17 of the Washington Rules of Civil Procedure. Defendant also objects to any Interrogatories and
18 Requests for Production that seek production of any information consisting of a trade secret,
19 confidential financial data or other confidential research, development or commercial
20 information. Discovery is still continuing in this case and Defendant will supplement its answers
21 as any additional information becomes available.
22

23 ADDITIONAL OBJECTIONS

24 Plaintiffs' First Set of Interrogatories and Requests for Production are directed to
25 Oglebay Norton Company a/k/a Oglebay Norton Engineered Materials, a/k/a ON Marine
26

1 Services, Inc., and its division, The Ferro Engineering Division. Plaintiff has improperly named
2 Oglebay Norton Company as a defendant. The proper entity is Ferro Engineering Division of
3 ON Marine Services Company, LLC, a Delaware limited liability company, which is a wholly
4 owned subsidiary of Oglebay Norton Company, LLC, an Ohio limited liability company.
5 Present-day Oglebay Norton Company had no involvement in any activities relating to Plaintiffs'
6 claims and holds no legal liability for any activities of the Ferro Engineering Division of ON
7 Marine Services Company, LLC. Accordingly, the First Set of Interrogatories and Requests for
8 Production are improperly issued to Oglebay Norton Company, which is not in a position to
9 respond to Plaintiffs' First Set of Interrogatories and Requests for Production. The proper party
10 to which such Interrogatories and Requests for Production should be directed is the Ferro
11 Engineering Division of ON Marine Services Company, LLC, which entity hereby responds to
12 Plaintiffs' First Set of Interrogatories and Requests for Production as follows:

13 INTERROGATORIES

14 1. Did you ever sell, supply, and/or distribute hot tops to Bethlehem Steel in Seattle,
15 Washington during the years 1970 to 1976?

16 RESPONSE: Defendant incorporates its General Objections and Additional Objections
17 listed above in connection with its subsequent responses. Defendant further objects on the
18 grounds that "hot tops" is a generic term with several meanings and thus this Interrogatory is
19 technically unanswerable. Defendant further objects as Plaintiffs have provided no evidence that
20 Mr. Turner ever worked with, or in the vicinity of, any products manufactured, sold or
21 distributed by this Defendant. Therefore, this Interrogatory is overly broad, unduly burdensome,
22 and not designed to lead to the discovery of admissible evidence. Without waiving its
23 objections, Defendant did manufacture and sell certain asbestos-containing products for use with
24 hot tops to Bethlehem Steel in Seattle at various times during the years 1970 to 1976.

25 2. Did you ever manufacture, assemble, sell, supply, or otherwise put in the stream of
26 commerce hot tops that contained asbestos after 1969?

1 RESPONSE: Defendant incorporates its General Objections and Additional Objections
2 listed above in connection with its subsequent responses. Defendant further objects on the
3 grounds that "hot tops" is a generic term with several meanings and thus this Interrogatory is
4 technically unanswerable. Defendant further objects as this Interrogatory is not limited in time
5 or scope to the time periods or locations related to this lawsuit. Defendant further objects as
6 Plaintiffs have provided no evidence that Mr. Turner ever worked with, or in the vicinity of, any
7 products manufactured, sold, or distributed by Defendant. Therefore, this Interrogatory is overly
8 broad, unduly burdensome, and not designed to lead to the discovery of admissible evidence.
9 Without waiving its objections, Defendant did manufacture and sell certain asbestos-containing
10 refractory products for use with hot tops to Bethlehem Steel in Seattle at various times during the
11 years 1970 to 1976.

12 3. If your answers to interrogatories No. 1 or 2 are anything other than an unqualified
13 "no", please describe with particularity every asbestos-containing hot top product that you
14 manufactured, assembled, sold, supplied, or otherwise placed in the stream of commerce
15 during the years 1970 to 1976. Include in your answer the brand name and/or model name of
16 the product, its physical description and its asbestos content (percentage and fiber type).

17 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
18 objections, Defendant may have manufactured and sold the following asbestos-containing
19 products to Bethlehem Steel in Seattle, WA from 1970 to 1976:

20 Ferroboard Liners

21 Certain Ferroboard Liners contained 6% amosite or combination amosite
22 and chrysotile asbestos, depending on customer needs and requirements.
23 Asbestos-containing Ferroboard Liners were stacked on a wooden pallet
24 then covered with a 6 mil shrink wrap. Shipping labels with the
25 designation "C&D" and "Ferro Engineering" may have accompanied the
26 product. Asbestos-containing Ferroboard Liners were tannish in color,
brick-like in texture, rectangular in form which varied in length and
width depending upon the size of the Hot Top and were manufactured
with crease lines for folding the liner into the proper shape. There were
no markings on this product other than product number.

27 4. If your answer to interrogatory No. 2 is anything other than an unqualified "no", please
28 list the suppliers of the asbestos fibers incorporated into your hot top products during the years
1970 to 1976.

1 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
2 objections, Defendant responds as follows:

3
4 In general, asbestos fibers contained in certain of Defendant's products were purchased
5 from Carey Canadian, Canadian Johns-Manville Corporation, National Gypsum, North
6 American Asbestos Corporation, Clark Asbestos and International Fiber Corp.

7 5. Describe the expected use of your hot top products by your customers.

8 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
9 objections, Defendant responds as follows: Some asbestos-containing Ferroboard Liners may
10 have been used to line the inside of certain hot top castings.

11 6. Do you contend that the asbestos-containing hot tops that you manufactured or
12 otherwise placed in the stream of commerce were not "friable" and/or did not release respirable
13 asbestos fibers during their expected use? If yes, please describe the factual and scientific
14 basis for that contention.

15 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
16 objections, Defendant responds as follows: Ferroboard liners were a refractory board product
17 and no significant dust would have been created in its normal use.

18 7. When did you learn that asbestos was hazardous to human health?

19 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Defendant further objects to
20 the form of this Request in that it assumes that the release of dust and/or fibers was inherent with
21 use of Defendant's products, and that Defendant's products presented a hazard. Defendant
22 further objects on the grounds that this Request assumes that Defendant had control of such
23 products and their use after leaving Defendant's possession, which it did not. Further, these
24 products were sold to sophisticated companies who controlled the workplace and its employees.
25 Defendant also objects on the grounds that at no time was Plaintiff James Turner employed by
26 this Defendant. Accordingly, this Request is overly broad, unduly burdensome, harassing and
seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

1 admissible evidence. Without waiving its objections, and to the best of this Defendant's
2 knowledge, information and belief, the late James Bogner of Ferro Engineering's research
3 department learned that asbestos fibers posed a possible risk of asbestosis to asbestos miners in
4 the late 1960s or early 1970s. According to earlier deposition testimony of Mr. Bogner, at no
5 time did Defendant believe that the asbestos content in Defendant's products was hazardous.
6 Further, Defendant possesses articles from the Times of London from 1966. Defendant has no
7 reason to believe that receipt of the articles, which speak for themselves, was in any way
8 "notice" as to any potential increased risk of any health hazards related to Defendant's products.
9 Also, there is a one-line reference to asbestosis in the minutes of a 1969 Engineering Department
10 meeting. Such reference was non-specific and does not appear directed toward any Ferro
11 Engineering Division product or process. Defendant has no further information concerning these
12 minutes or any discussion that took place at the meeting. Defendant has no information that
13 indicates Defendant ever believed that the proper use of any of its asbestos-containing products
14 potentially posed any increased risk or any health hazards from the use of the products.

15 8. Did warnings or instructions of any kind accompany any of your hot top products
16 described in your answer to Interrogatory No. 3? If yes, please describe the content of the
17 warning or instruction.

18 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
19 objections, in 1971 Defendant commenced a labeling program using the following label:
20 "Caution contains asbestos fibers - avoid creating dust - breathing asbestos dust may cause
21 serious bodily harm." It is believed that the color of the label was in red and that the label was
22 approximately 2 inches by 2 inches in size. The label was in conformance with federal
23 regulations. There is no record of the precise dates of implementation of the caution label with
24 regard to individual products. Defendant has no information as to persons involved in drafting
25 the language used in the caution label, although to the best of Defendant's knowledge,
26 information and belief the language chosen was in conformance with federal regulations.

1 9. Did you ever warn any of your customers about the hazards of asbestos at any time?
2 Why or why not?

3 RESPONSE: See objections and response to Interrogatory Nos. 1, 2 and 8. Without
4 waiving its objections, Defendant never believed asbestos, as used in its products, created any
5 increased health risks from the use of its products to its customers.

6 10. Provide the names of each individual who provided information to answer these
7 interrogatories.

8 RESPONSE: Dennis H. Markusson, Esq., of Markusson, Green & Jarvis, P.C.,
9 950 17th Street, Suite 1050, Denver, Colorado 80202, Ferro Engineering Division's National
10 Coordinating Counsel, who has held this position since March 2002, supervised the answering of
11 these Interrogatories and Requests for Production by Bruce Inglis, CFO of ON Marine Services
12 Company, LLC. Mr. Inglis' answers are based solely upon documents and information made
13 available to him by others and upon which he relied.

14 11. Provide the names and contact information (if known) of each person who you believe
15 may possess information regarding the use of asbestos in your hot top products in the 1970s.

16 RESPONSE: Bill Gabriel, consultant and former employee. Mr. Gabriel can be
17 contacted through National Coordinating Counsel.

18 12. Provide the names and contact information (if known) of each person who you believe
19 may possess information regarding your sale/supply of hot top products to Bethlehem Steel in
the 1970s.

20 RESPONSE: See response to Interrogatory No. 11.

21 13. Provide the names of each trade or professional organization that you were a member
22 of prior to 1976.

23 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
24 objections, Defendant states that it recently became aware of documents that indicate that
25 Defendant was a member of the American Ceramic Society during the years 1942, 1944, 1945,
26 1947-1949, 1951, 1958 and 1961. Prior to becoming aware of said documents, Defendant had

1 no knowledge that it may have been a member of the American Ceramic Society. Defendant
2 further states that based upon records to which Defendant was referred, it appears for the years
3 1960 to 1962, 1964, and 1968 to 1970 Robert E. Kratzert, Vessel Personnel Manager for the
4 Columbia Transportation Division, was a member of the National Safety Council. The
5 Columbia Transportation Division was a separate entity from the Defendant Ferro Engineering
6 Division. Defendant also states that it was recently referred to a document that indicates that
7 Oglebay Norton Company, which as a result of a series of mergers is now ON Marine Services
8 Company, LLC, was a member of the National Safety Council from 1949 to 2005. Defendant
9 Ferro Engineering was not a member of the National Safety Council. Further, Defendant was a
10 member of the Iron and Steel Institute. Defendant is unaware of the exact dates of its
11 membership.

12 14. When was the first time that a person brought a lawsuit against you for allegedly
13 causing an asbestos-related injury?

14 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
15 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
16 unduly burdensome and not designed to lead to the discovery of admissible evidence.

17 15. When was the first time that an employee or former employee brought a claim against
18 you for compensation for an injury allegedly related to asbestos?

19 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
20 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
21 unduly burdensome and not designed to lead to the discovery of admissible evidence.

22 16. Prior to 1976, did you ever employ an industrial hygienist or someone similar charged
23 with health and safety at your company? If yes, please provide the individual(s)' name(s), job
24 description, and contact information.
25
26

1 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
2 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
3 unduly burdensome and not designed to lead to the discovery of admissible evidence.

4 17. Did you ever sell, supply, and/or distribute equipment used to make hot tops to
5 Bethlehem Steel in Seattle, Washington prior to 1976? If yes, please describe the equipment
6 and how it was used.

7 RESPONSE: See objections to Interrogatory Nos. 1, 2 and 3. Without waiving its
8 objections, Defendant manufactured and sold certain asbestos-containing products for use with
9 hot tops at Bethlehem Steel in Seattle, Washington prior to 1976.

10 REQUESTS FOR PRODUCTION

11 1. Produce every document in your possession or control that relates or refers to any
12 sale/supply of hot tops that you made to Bethlehem Steel in Seattle, Washington during the
13 years 1970 to 1976.

14 RESPONSE: Defendant incorporates its General Objections and Additional Objections
15 listed above in connection with its subsequent responses. Defendant further objects to this
16 Request for Production on the grounds that, according to deposition testimony, Mr. Turner never
17 worked with any of Defendant's products. Accordingly, this Request seeks information that is
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
19 Without waiving its objections, Defendant states that it maintains and will produce copies of the
20 Ferro Engineering Division's "In-road hooks" sales records for sales of its asbestos-containing
21 refractory products sold to Bethlehem Steel, Seattle, WA, during time period 1970 to 1976.
22 Additionally, Defendant states that it possesses and will produce copies of representative "mix
23 formulas" for any asbestos-containing products listed in the objections and answers to
24 Interrogatory No. 3. The mix formulas are exemplars of those used for the manufacture of Ferro
25 Engineering Division products. Defendant manufactured its products to each of its customers'
26 own needs and requirements, which were dependent upon many factors, including but not

1 limited to the customers' specific yield requirements. Defendant possesses no information by
2 which it may determine whether the mix formulas in its possession are in fact the exact mix
3 formulas used for the production of each product as listed in its answer to Interrogatory 3.
4 Additionally, Defendant will produce representative product catalogs relevant to Defendant's
5 asbestos-containing products manufactured and sold to Bethlehem Steel, Seattle, WA, from 1970
6 to 1976.

7 2. Produce every document in your possession or control that relates or refers to
8 communications between you and Bethlehem Steel regarding your sale/supply of hot tops
during the years 1970 to 1976.

9
10 RESPONSE: See objections and answers to Request for Production No. 1 and
11 Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such
12 documents. However, documents may exist responsive to this request in Defendant's document
13 storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon
14 reasonable request.

15 3. Produce every document in your possession or control that relates or refers to asbestos-
related human health hazards.

16
17 RESPONSE: See objections to Interrogatory Nos. 1, 2 and 7. Without waiving these
18 objections, Defendant will produce the articles and meeting minutes referenced in Interrogatory
19 No. 7.

20 4. Produce every document in your possession or control that relates or refers to
communications prior to 1976 on the subject of the government's regulation of asbestos.

21
22 RESPONSE: See objections and answers to Request for Production No. 1 and
23 Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such
24 documents. However, documents may exist responsive to this request in Defendants document
25 storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon
26 reasonable request.

5. Produce all records in your possession or control that refer or relate to any claims filed or made by your employees or former employees for compensation relating to asbestos-related injuries or illnesses.

RESPONSE: See objections to Request for Production No. 1 and Interrogatory Nos. 1, 2 and 15. Additionally, this Request is not related to any claim or defense in this matter and is, therefore, overly broad, unduly burdensome and not designed to lead to the discovery of admissible evidence.

6. Produce all records in your possession or control that refer or relate to your procurement of asbestos-containing materials for incorporation into your hot top products during the years 1970 to 1976.

RESPONSE: See objections and answers to Request for Production No. 1 and Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such documents. However, documents may exist responsive to this request in Defendants document storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon reasonable request.

7. Produce every document in your possession or control that relates or refers to any sale/supply of equipment used to make hot tops that you made to Bethlehem Steel in Seattle, Washington during the years 1970 to 1976.

RESPONSE: See objections to Request for Production No. 1 and Interrogatory Nos. 1 and 2. Defendant further objects on the grounds that this request is nonsensical and cannot be answered. Defendant never sold any equipment used to make hot tops to Bethlehem Steel in Seattle, Washington. It did sell products to Bethlehem Steel that may have been used in connection with the use of hot tops. Without waiving its objections, attached as Exhibit A (Bates Nos. OMW00001-00043) are documents that pertain to products that Defendant may have manufactured and sold to Bethlehem Steel in Seattle, Washington during the years 1970 to 1976, as well as documents pertaining to the Ferroboard product lines. Discovery is still continuing in this case and these documents may be supplemented as discovery continues.

ANSWERS AND RESPONSES SUBMITTED this 30th day of August, 2013. The undersigned attorney has read the foregoing answers and responses to these discovery requests, and they comply with CR 26(g).

OGDEN MURPHY WALLACE


Robert G. André, WSBA #13072
Counsel for Defendant
On Marine Services Company, LLC Ferro
Engineering Division (incorrectly named as
Oglebay Norton Company)

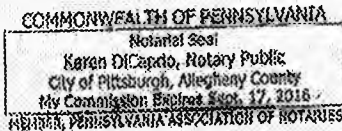
AFFIDAVIT

STATE OF PENNSYLVANIA)
) ss.
COUNTY OF ALLEGHENY)

BRUCE INGLIS, Chief Financial Officer of ON Marine Services Company, a Delaware limited liability company, and designated by ON Marine Services Company, LLC, to execute the answers and responses to these answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents based upon information or documents made available to him by others and upon which he relied, and being first duly sworn on oath and deposes and states that he has read the foregoing answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents, and that the statements of fact contained in the attached answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents are true and correct to the best of his information, knowledge and belief.

B. P. Inglis
Bruce Inglis

SUBSCRIBED AND SWORN TO before me on the 2nd day of August 2013.



Karen DiCaprio
Printed Name Karen DiCaprio
NOTARY PUBLIC in and for the State of Pennsylvania, residing at Allegheny County
My Commission Expires: Sept. 17, 2016

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Answers
& docs at end

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

JAMES B. TURNER and JOANNE K. LIPSON,
husband and wife,

Plaintiffs,

v.

FRASER'S BOILER SERVICE, INC., et al.,

Defendants.

NO. 13-2-17075-2 SEA

PLAINTIFFS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT ON
MARINE SERVICES COMPANY, LLC,
FERRO ENGINEERING DIVISION
(INCORRECTLY NAMED AS OGLEBAY
NORTON COMPANY) WITH ANSWERS

TO: ON MARINE SERVICES COMPANY, LLC FERRO ENGINEERING DIVISION

AND TO: Counsel for Defendant ON MARINE SERVICES COMPANY, LLC FERRO
ENGINEERING DIVISION

YOU ARE HEREBY SERVED with Plaintiffs' First Set of Interrogatories and Requests
for Production of Documents propounded to Defendant ON MARINE SERVICES COMPANY,
LLC, FERRO ENGINEERING DIVISION. These interrogatories must be answered, under oath,
within thirty (30) days of service pursuant to CR 33(a) and the General Style Order governing
asbestos litigation in this jurisdiction. Please type the answers in the space provided, adding
additional pages if necessary. Return the original to the office of Plaintiffs' attorney,
BERGMAN DRAPER LADENBURG, 614 First Avenue, 4th Floor, Seattle, Washington, 98104.

INSTRUCTIONS

1. These discovery requests are to be regarded as continuing in nature, and You must supplement Your responses promptly if You obtain additional or different material before trial in this action.

2. These discovery requests cover all documents and information within the possession, custody, or control of, or reasonably available to, the responding defendant and its predecessor, successor, parents, subsidiaries, officers, directors, employees, agents, consultants, servants, attorneys, assigns, or any other representatives.

3. If any response, or portion thereof, is withheld or objected to on the basis of a claim of privilege or for any other reason, identify, with enough particularity to support a motion to compel, the discovery request for which the response, or portion thereof, has been withheld or objected to, the information that has been withheld or objected to, the specific claim or privilege or other reason for withholding the information and the basis for Your claim.

4. For each document produced in response to a discovery request, indicate on the document or in some other reasonable manner the number of the request(s) to which it responds.

5. If anything is deleted from a document produced in response to a discovery request, indicate the fact of deletion on the face of the document and state in Your response to such request:

- (A) the reason for the deletion; and
- (B) the subject matter of the deletion.

6. If any document otherwise responsive to any request is withheld under claim of privilege, furnish a list containing for each such document the following information:

- (A) the date of the document
- (B) the name and title of its author(s);
- (C) the name and title of each person to whom it was addressed;
- (D) the name and title of each person to whom it was sent;
- (E) the name and title of each person to whom it was disclosed in whole or in part;
- (F) the number of pages;
- (G) a brief description of its subject matter;
- (H) the request to which it is otherwise responsive; and
- (I) the nature of the claimed privilege.

7. For any documents produced in response to a request that are not now within the defendant's possession, custody or control, state in such response in whose possession, custody or control such documents may be found. If a document responsive to a request no longer exists, identify it and explain the circumstances of its loss or destruction. If no documents exist that are responsive to a request, so state.

8. Discovery requests calling for numerical or chronological information shall be deemed, to the extent that the precise figures or dates are not known, to call for estimates. In each instance in which an estimate is given, identify it as such and specify the source of information and the basis for the estimate.

1 9. All discovery requests which are stated in the conjunctive are to be read as if
2 also stated in the disjunctive, and vice versa (i.e., answer each request as if requiring an
3 "and/or" response). Similarly, in all discovery requests, the singular form of a noun is to be
4 read as including the plural form, and vice versa, and all verbs shall be construed to include all
5 tenses.

6 10. Unless otherwise specified, the time period for each discovery request shall
7 include the period from 1940 to 1979.

8 11. Pursuant to Rule 33(a), these Interrogatories are to be answered separately and
9 fully in writing under oath, unless objected to, in which event the reasons for objection are to be
10 stated in lieu of an answer in accordance with Instruction 3 above. The answers are to be
11 signed by the person making them and the objections signed by the attorney making them.

12 12. Where an Interrogatory requests the identity of each person with responsibility
13 over certain matters, the request shall be deemed to include each person, other than those with
14 wholly clerical duties, who has responsibility over the matter. The request shall not be limited
15 to the head of a department, division or branch, but shall include subordinate employees other
16 than clerical staff who have responsibility over the matter.

17 13. Where an Interrogatory seeks identification of documents, the defendant may in
18 lieu thereof attach a copy of the document(s) to its response to the Interrogatory pursuant to
19 Rule 33(c) of the Civil Rules. For each document produced, indicate on the document or in
20 some other reasonable manner the Interrogatory to which it responds.

21 14. If any Interrogatory cannot be answered fully, provide as complete an answer as
22 possible, state the reason for the inability to provide a complete answer, and provide any
23 information, knowledge or belief defendant has regarding the portion unanswered.

24 15. This discovery request requires production of drafts of documents covered by a
25 request as well as all non-identical copies of the documents, e.g., they would require the
26 production of a draft letter, the letter as sent and a copy of that letter on which there are
additional markings or writings.

DEFINITIONS

Unless otherwise defined herein, the following definitions apply to these discovery requests:

1. "You" means defendant ON MARINE SERVICES COMPANY, LLC FERRO
ENGINEERING DIVISION, its officers, directors, employees, parent corporations, subsidiary
corporations, affiliates, predecessors in interest, including specifically LINK-BELT
CORPORATION, agents, consultants, contractors, attorneys, representatives, and all other
persons acting or purporting to act on behalf of said defendant.

2. "Document" means any and all material that is written, printed, typed,
photographed, recorded (whether electrically, electronically, magnetically, graphically, or
otherwise) or which is capable of being recorded in any form. It includes, but is not limited to
papers, books, records, letters, photographs, tangible things, correspondence, communications,
telegrams, cables, Telex messages, memoranda, laboratory work papers, batch sheets, other

1 work papers, ledger sheets, transcripts, minutes, reports, and recordings of telephone or other
2 conversations or of interviews, conferences or other meetings, affidavits, statements,
3 summaries, opinions, reports, studies, drafts, drafts of studies, analyses, bulletins, notices,
4 announcements, advertisements, instructions, charts, manuals, brochures, publications,
5 schedules, journals, statistical records, desk calendars, appointment books, diaries, lists, logs,
6 well logs, field logs, tabulations, sound recordings, computer files, computer tapes, computer
printouts, gas chromatograms, mass spectra, data processing in-put and out-put, microfilm,
books of account, records, invoices, checks, notes, diagrams, maps, graphs, graphs or materials
with handwriting or other printing on them, books, library reference, textbooks, treatises, and
other tangible material.

7 3. "Component" means any internal or external part of one of Your products, items,
8 or pieces of equipments even if such part was not originally manufactured by You, including
but not limited to brake and clutch friction material.

9 4. "Relate to" or "relating to" means referring to, constituting, defining,
10 concerning, containing, embodying, reflecting, identifying, stating, illustrating, dealing with, or
11 in any way pertaining to.

12 5. "Identify" or "identity" means:

13 (A) with respect to a natural person, to provide the person's (i) full name, (ii) present
or last known business and home addresses and phone numbers, (iii) present or last known
14 employer and position with that employer; and (iv) employer and position at the time relevant
to the interrogatory involved;

15 (B) with respect to an entity other than a natural person, to provide (i) the full name
of the organization or entity; (ii) the present or last known address of the organization or entity,
16 and (iii) the name, title and address of its chief executive officer;

17 (C) with respect to a document, to provide the document's (i) date; (ii) author and
signatory; (iii) type (e.g., letter, memorandum); (iv) title and subject matter; (v) addressee and
18 all other persons receiving copies; (vi) custodian; and (vii) its present or last known location;

19 (D) with respect to an act, action, or activity, to provide: (i) a description of the act
or activity; (ii) the date it occurred; (iii) the place it occurred; (iv) the identity of each document
20 relating to the act or activity; and (v) the identity of each person who participated or engaged in
the act or activity;

21 (E) with respect to a communication, to provide: (i) the date of the communication;
22 (ii) the place it occurred; (iii) the identity of each person who originated, received, participated,
or was present during the communication; (iv) the type of communication (e.g., letter, telegram,
23 telephone conversation); (v) the identity of each document relating or referring to or comprising
such communication; and (vi) the substance of the communication.

1 INTERROGATORIES and REQUESTS FOR PRODUCTION submitted this 10th day of
2 June, 2013.

3 BERGMAN DRAPER LADENBURG

4
5 s/Vanessa Firnhaber Oslund
6 Vanessa Firnhaber Oslund, WSBA #38252
7 Counsel for Plaintiffs
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PLAINTIFFS' FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT ON MARINE SERVICES COMPANY, LLC,
FERRO ENGINEERING DIVISION (INCORRECTLY NAMED AS OGLEBAY
NORTON COMPANY WITH ANSWERS - 5

OGDEN MURPHY WALLACE, P.L.L.C.
901 Fifth Avenue, Suite 3500
Seattle, Washington 98164-2008
Tel: 206 447 3000/Fax: 206 447 0215

1 Defendant Ferro Engineering Division of ON Marine Services Company, LLC, a
2 Delaware limited liability company (Defendant), incorrectly named in the Plaintiffs' Complaint
3 as Oglebay Norton Company a/k/a Oglebay Norton Engineered Materials, a/k/a ON Marine
4 Services, Inc., and its division The Ferro Engineering Division, by and through its undersigned
5 attorneys, hereby submits the following answers and objections to Plaintiffs' First Set of
6 Interrogatories and Requests for Production to the above-named Defendant.
7

8 GENERAL OBJECTIONS

9 At no time did Defendant manufacture, sell, distribute or supply any asbestos-containing
10 products, other than through its former division, Ferro Engineering. Any and all products,
11 including those containing asbestos, were manufactured by and sold through the Ferro
12 Engineering Division. Defendant therefore responds to Plaintiffs' First Set of Interrogatories and
13 Requests for Production of Documents on behalf of its former division, Ferro Engineering.
14 Notwithstanding the above, Defendant objects to the following First Set of Interrogatories and
15 Requests for Production insofar as they seek information which is subject to attorney-client
16 privilege or work-product doctrine, or which is otherwise not discoverable under the provisions
17 of the Washington Rules of Civil Procedure. Defendant also objects to any Interrogatories and
18 Requests for Production that seek production of any information consisting of a trade secret,
19 confidential financial data or other confidential research, development or commercial
20 information. Discovery is still continuing in this case and Defendant will supplement its answers
21 as any additional information becomes available.
22
23

24 ADDITIONAL OBJECTIONS

25 Plaintiffs' First Set of Interrogatories and Requests for Production are directed to
26 Oglebay Norton Company a/k/a Oglebay Norton Engineered Materials, a/k/a ON Marine

1 Services, Inc., and its division, The Ferro Engineering Division. Plaintiff has improperly named
2 Oglebay Norton Company as a defendant. The proper entity is Ferro Engineering Division of
3 ON Marine Services Company, LLC, a Delaware limited liability company, which is a wholly
4 owned subsidiary of Oglebay Norton Company, LLC, an Ohio limited liability company.
5 Present-day Oglebay Norton Company had no involvement in any activities relating to Plaintiffs'
6 claims and holds no legal liability for any activities of the Ferro Engineering Division of ON
7 Marine Services Company, LLC. Accordingly, the First Set of Interrogatories and Requests for
8 Production are improperly issued to Oglebay Norton Company, which is not in a position to
9 respond to Plaintiffs' First Set of Interrogatories and Requests for Production. The proper party
10 to which such Interrogatories and Requests for Production should be directed is the Ferro
11 Engineering Division of ON Marine Services Company, LLC, which entity hereby responds to
12 Plaintiffs' First Set of Interrogatories and Requests for Production as follows:

13 INTERROGATORIES

14 1. Did you ever sell, supply, and/or distribute hot tops to Bethlehem Steel in Seattle,
15 Washington during the years 1970 to 1976?

16 RESPONSE: Defendant incorporates its General Objections and Additional Objections
17 listed above in connection with its subsequent responses. Defendant further objects on the
18 grounds that "hot tops" is a generic term with several meanings and thus this Interrogatory is
19 technically unanswerable. Defendant further objects as Plaintiffs have provided no evidence that
20 Mr. Turner ever worked with, or in the vicinity of, any products manufactured, sold or
21 distributed by this Defendant. Therefore, this Interrogatory is overly broad, unduly burdensome,
22 and not designed to lead to the discovery of admissible evidence. Without waiving its
23 objections, Defendant did manufacture and sell certain asbestos-containing products for use with
24 hot tops to Bethlehem Steel in Seattle at various times during the years 1970 to 1976.

25 2. Did you ever manufacture, assemble, sell, supply, or otherwise put in the stream of
26 commerce hot tops that contained asbestos after 1969?

1 RESPONSE: Defendant incorporates its General Objections and Additional Objections
2 listed above in connection with its subsequent responses. Defendant further objects on the
3 grounds that "hot tops" is a generic term with several meanings and thus this Interrogatory is
4 technically unanswerable. Defendant further objects as this Interrogatory is not limited in time
5 or scope to the time periods or locations related to this lawsuit. Defendant further objects as
6 Plaintiffs have provided no evidence that Mr. Turner ever worked with, or in the vicinity of, any
7 products manufactured, sold, or distributed by Defendant. Therefore, this Interrogatory is overly
8 broad, unduly burdensome, and not designed to lead to the discovery of admissible evidence.
9 Without waiving its objections, Defendant did manufacture and sell certain asbestos-containing
10 refractory products for use with hot tops to Bethlehem Steel in Seattle at various times during the
11 years 1970 to 1976.

12 3. If your answers to interrogatories No. 1 or 2 are anything other than an unqualified
13 "no", please describe with particularity every asbestos-containing hot top product that you
14 manufactured, assembled, sold, supplied, or otherwise placed in the stream of commerce
during the years 1970 to 1976. Include in your answer the brand name and/or model name of
the product, its physical description and its asbestos content (percentage and fiber type).

15 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
16 objections, Defendant may have manufactured and sold the following asbestos-containing
17 products to Bethlehem Steel in Seattle, WA from 1970 to 1976:

18
19 Ferroboard Liners

20 Certain Ferroboard Liners contained 6% amosite or combination amosite
21 and chrysotile asbestos, depending on customer needs and requirements.
22 Asbestos-containing Ferroboard Liners were stacked on a wooden pallet
then covered with a 6 mil shrink wrap. Shipping labels with the
23 designation "C&D" and "Ferro Engineering" may have accompanied the
24 product. Asbestos-containing Ferroboard Liners were tannish in color,
brick-like in texture, rectangular in form which varied in length and
width depending upon the size of the Hot Top and were manufactured
with crease lines for folding the liner into the proper shape. There were
no markings on this product other than product number.

25 4. If your answer to interrogatory No. 2 is anything other than an unqualified "no", please
26 list the suppliers of the asbestos fibers incorporated into your hot top products during the years
1970 to 1976.

1 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
2 objections, Defendant responds as follows:

3
4 In general, asbestos fibers contained in certain of Defendant's products were purchased
5 from Carey Canadian, Canadian Johns-Manville Corporation, National Gypsum, North
6 American Asbestos Corporation, Clark Asbestos and International Fiber Corp.

7 5. Describe the expected use of your hot top products by your customers.

8 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
9 objections, Defendant responds as follows: Some asbestos-containing Ferroboard Liners may
10 have been used to line the inside of certain hot top castings.

11 5. Do you contend that the asbestos-containing hot tops that you manufactured or
12 otherwise placed in the stream of commerce were not "friable" and/or did not release respirable
13 asbestos fibers during their expected use? If yes, please describe the factual and scientific
14 basis for that contention.

15 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
16 objections, Defendant responds as follows: Ferroboard liners were a refractory board product
17 and no significant dust would have been created in its normal use.

18 7. When did you learn that asbestos was hazardous to human health?

19 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Defendant further objects to
20 the form of this Request in that it assumes that the release of dust and/or fibers was inherent with
21 use of Defendant's products, and that Defendant's products presented a hazard. Defendant
22 further objects on the grounds that this Request assumes that Defendant had control of such
23 products and their use after leaving Defendant's possession, which it did not. Further, these
24 products were sold to sophisticated companies who controlled the workplace and its employees.
25 Defendant also objects on the grounds that at no time was Plaintiff James Turner employed by
26 this Defendant. Accordingly, this Request is overly broad, unduly burdensome, harassing and
seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

1 admissible evidence. Without waiving its objections, and to the best of this Defendant's
2 knowledge, information and belief, the late James Bognar of Ferro Engineering's research
3 department learned that asbestos fibers posed a possible risk of asbestosis to asbestos miners in
4 the late 1960s or early 1970s. According to earlier deposition testimony of Mr. Bognar, at no
5 time did Defendant believe that the asbestos content in Defendant's products was hazardous.
6 Further, Defendant possesses articles from the Times of London from 1966. Defendant has no
7 reason to believe that receipt of the articles, which speak for themselves, was in any way
8 "notice" as to any potential increased risk of any health hazards related to Defendant's products.
9 Also, there is a one-line reference to asbestosis in the minutes of a 1969 Engineering Department
10 meeting. Such reference was non-specific and does not appear directed toward any Ferro
11 Engineering Division product or process. Defendant has no further information concerning these
12 minutes or any discussion that took place at the meeting. Defendant has no information that
13 indicates Defendant ever believed that the proper use of any of its asbestos-containing products
14 potentially posed any increased risk or any health hazards from the use of the products.

15 8. Did warnings or instructions of any kind accompany any of your hot top products
16 described in your answer to Interrogatory No. 3? If yes, please describe the content of the
warning or instruction.

17 RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its
18 objections, in 1971 Defendant commenced a labeling program using the following label:
19 "Caution contains asbestos fibers - avoid creating dust - breathing asbestos dust may cause
20 serious bodily harm." It is believed that the color of the label was in red and that the label was
21 approximately 2 inches by 2 inches in size. The label was in conformance with federal
22 regulations. There is no record of the precise dates of implementation of the caution label with
23 regard to individual products. Defendant has no information as to persons involved in drafting
24 the language used in the caution label, although to the best of Defendant's knowledge,
25 information and belief the language chosen was in conformance with federal regulations.
26

9. Did you ever warn any of your customers about the hazards of asbestos at any time? Why or why not?

RESPONSE: See objections and response to Interrogatory Nos. 1, 2 and 8. Without waiving its objections, Defendant never believed asbestos, as used in its products, created any increased health risks from the use of its products to its customers.

10. Provide the names of each individual who provided information to answer these interrogatories.

RESPONSE: Dennis H. Markusson, Esq., of Markusson, Green & Jarvis, P.C., 950 17th Street, Suite 1050, Denver, Colorado 80202, Ferro Engineering Division's National Coordinating Counsel, who has held this position since March 2002, supervised the answering of these Interrogatories and Requests for Production by Bruce Inglis, CFO of ON Marine Services Company, LLC. Mr. Inglis' answers are based solely upon documents and information made available to him by others and upon which he relied.

11. Provide the names and contact information (if known) of each person who you believe may possess information regarding the use of asbestos in your hot top products in the 1970s.

RESPONSE: Bill Gabriel, consultant and former employee. Mr. Gabriel can be contacted through National Coordinating Counsel.

12. Provide the names and contact information (if known) of each person who you believe may possess information regarding your sale/supply of hot top products to Bethlehem Steel in the 1970s.

RESPONSE: See response to Interrogatory No. 11.

13. Provide the names of each trade or professional organization that you were a member of prior to 1976.

RESPONSE: See objections to Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant states that it recently became aware of documents that indicate that Defendant was a member of the American Ceramic Society during the years 1942, 1944, 1945, 1947-1949, 1951, 1958 and 1961. Prior to becoming aware of said documents, Defendant had

1 no knowledge that it may have been a member of the American Ceramic Society. Defendant
2 further states that based upon records to which Defendant was referred, it appears for the years
3 1960 to 1962, 1964, and 1968 to 1970 Robert E. Kratzert, Vessel Personnel Manager for the
4 Columbia Transportation Division, was a member of the National Safety Council. The
5 Columbia Transportation Division was a separate entity from the Defendant Ferro Engineering
6 Division. Defendant also states that it was recently referred to a document that indicates that
7 Oglebay Norton Company, which as a result of a series of mergers is now ON Marine Services
8 Company, LLC, was a member of the National Safety Council from 1949 to 2005. Defendant
9 Ferro Engineering was not a member of the National Safety Council. Further, Defendant was a
10 member of the Iron and Steel Institute. Defendant is unaware of the exact dates of its
11 membership.

12 14. When was the first time that a person brought a lawsuit against you for allegedly
13 causing an asbestos-related injury?

14 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
15 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
16 unduly burdensome and not designed to lead to the discovery of admissible evidence.

17 15. When was the first time that an employee or former employee brought a claim against
18 you for compensation for an injury allegedly related to asbestos?

19 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
20 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
21 unduly burdensome and not designed to lead to the discovery of admissible evidence.

22 16. Prior to 1976, did you ever employ an industrial hygienist or someone similar charged
23 with health and safety at your company? If yes, please provide the individual(s)' name(s), job
24 description, and contact information.
25
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1 RESPONSE: See objection to Interrogatory Nos. 1 and 2. Additionally, this
2 Interrogatory is not related to any claim or defense in this matter and is, therefore, overly broad,
3 unduly burdensome and not designed to lead to the discovery of admissible evidence.

4 17. Did you ever sell, supply, and/or distribute equipment used to make hot tops to
5 Bethlehem Steel in Seattle, Washington prior to 1976? If yes, please describe the equipment
6 and how it was used.

7 RESPONSE: See objections to Interrogatory Nos. 1, 2 and 3. Without waiving its
8 objections, Defendant manufactured and sold certain asbestos-containing products for use with
9 hot tops at Bethlehem Steel in Seattle, Washington prior to 1976.

10 REQUESTS FOR PRODUCTION

11 1. Produce every document in your possession or control that relates or refers to any
12 sale/supply of hot tops that you made to Bethlehem Steel in Seattle, Washington during the
13 years 1970 to 1976.

14 RESPONSE: Defendant incorporates its General Objections and Additional Objections
15 listed above in connection with its subsequent responses. Defendant further objects to this
16 Request for Production on the grounds that, according to deposition testimony, Mr. Turner never
17 worked with any of Defendant's products. Accordingly, this Request seeks information that is
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
19 Without waiving its objections, Defendant states that it maintains and will produce copies of the
20 Ferro Engineering Division's "In-road books" sales records for sales of its asbestos-containing
21 refractory products sold to Bethlehem Steel, Seattle, WA, during time period 1970 to 1976.
22 Additionally, Defendant states that it possesses and will produce copies of representative "mix
23 formulas" for any asbestos-containing products listed in the objections and answers to
24 Interrogatory No. 3. The mix formulas are exemplars of those used for the manufacture of Ferro
25 Engineering Division products. Defendant manufactured its products to each of its customers'
26 own needs and requirements, which were dependent upon many factors, including but not

1 limited to the customers' specific yield requirements. Defendant possesses no information by
2 which it may determine whether the mix formulas in its possession are in fact the exact mix
3 formulas used for the production of each product as listed in its answer to Interrogatory 3.
4 Additionally, Defendant will produce representative product catalogs relevant to Defendant's
5 asbestos-containing products manufactured and sold to Bethlehem Steel, Seattle, WA, from 1970
6 to 1976.

7 2. Produce every document in your possession or control that relates or refers to
8 communications between you and Bethlehem Steel regarding your sale/supply of hot tops
during the years 1970 to 1976.

9
10 RESPONSE: See objections and answers to Request for Production No. 1 and
11 Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such
12 documents. However, documents may exist responsive to this request in Defendant's document
13 storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon
14 reasonable request.

15 3. Produce every document in your possession or control that relates or refers to asbestos-
related human health hazards.

16
17 RESPONSE: See objections to Interrogatory Nos. 1, 2 and 7. Without waiving these
18 objections, Defendant will produce the articles and meeting minutes referenced in Interrogatory
19 No. 7.

20 4. Produce every document in your possession or control that relates or refers to
communications prior to 1976 on the subject of the government's regulation of asbestos.

21
22 RESPONSE: See objections and answers to Request for Production No. 1 and
23 Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such
24 documents. However, documents may exist responsive to this request in Defendants document
25 storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon
26 reasonable request.

1 5. Produce all records in your possession or control that refer or relate to any claims filed
2 or made by your employees or former employees for compensation relating to asbestos-related
injuries or illnesses.

3 RESPONSE: See objections to Request for Production No. 1 and Interrogatory Nos. 1, 2
4 and 15. Additionally, this Request is not related to any claim or defense in this matter and is,
5 therefore, overly broad, unduly burdensome and not designed to lead to the discovery of
6 admissible evidence.

7 6. Produce all records in your possession or control that refer or relate to your
8 procurement of asbestos-containing materials for incorporation into your hot top products
9 during the years 1970 to 1976.

10 RESPONSE: See objections and answers to Request for Production No. 1 and
11 Interrogatory Nos. 1 and 2. Without waiving its objections, Defendant is unaware of any such
12 documents. However, documents may exist responsive to this request in Defendants document
13 storage facility at Iron Mountain in Cleveland, OH. Plaintiffs may inspect such documents upon
14 reasonable request.

15 7. Produce every document in your possession or control that relates or refers to any
16 sale/supply of equipment used to make hot tops that you made to Bethlehem Steel in Seattle,
Washington during the years 1970 to 1976.

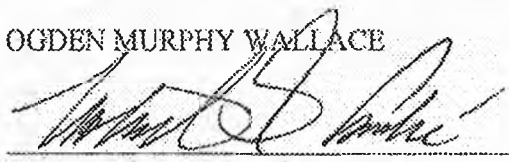
17 RESPONSE: See objections to Request for Production No. 1 and Interrogatory Nos. 1
18 and 2. Defendant further objects on the grounds that this request is nonsensical and cannot be
19 answered. Defendant never sold any equipment used to make hot tops to Bethlehem Steel in
20 Seattle, Washington. It did sell products to Bethlehem Steel that may have been used in
21 connection with the use of hot tops. Without waiving its objections, attached as Exhibit A (Bates
22 Nos. OMW00001-00043) are documents that pertain to products that Defendant may have
23 manufactured and sold to Bethlehem Steel in Seattle, Washington during the years 1970 to 1976,
24 as well as documents pertaining to the Ferroboard product lines. Discovery is still continuing in
25 this case and these documents may be supplemented as discovery continues.
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ANSWERS AND RESPONSES SUBMITTED this 8th day of August

2013. The undersigned attorney has read the foregoing answers and responses to these discovery requests, and they comply with CR 26(g).

OGDEN MURPHY WALLACE



Robert G. André, WSBA #13072
Counsel for Defendant
On Marine Services Company, LLC Ferro
Engineering Division (incorrectly named as
Oglebay Norton Company)

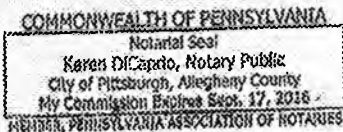
AFFIDAVIT

STATE OF PENNSYLVANIA)
) ss.
COUNTY OF ALLEGHENY)

BRUCE INGLIS, Chief Financial Officer of ON Marine Services Company, a Delaware limited liability company, and designated by ON Marine Services Company, LLC, to execute the answers and responses to these answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents based upon information or documents made available to him by others and upon which he relied, and being first duly sworn on oath and deposes and states that he has read the foregoing answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents, and that the statements of fact contained in the attached answers and objections to Plaintiffs' First Interrogatories and Requests for Production of Documents are true and correct to the best of his information, knowledge and belief.

B. P. Inglis
Bruce Inglis

SUBSCRIBED AND SWORN TO before me on the 2ND day of August 2013.



Karen DiCaprio
Printed Name Karen DiCaprio
NOTARY PUBLIC in and for the State of Pennsylvania, residing at Allegheny County
My Commission Expires: Sept. 17, 2016

MINUTES OF MEETING OF OSLEBY NORTON AND
FERRO ENGINEERING DIVISION PERSONNEL
JANUARY 16, 1969

In attendance:	G. A. Peterson	W. S. Whittle
	E. W. Sloan	J. C. Carpenter
	C. D. Smith	W. M. Chatman
	<u>J. N. Given</u>	W. H. Herron
	L. M. Bell	R. C. Trayte
	C. W. Ferris	B. P. Anthony
	F. J. Rossi	J. J. Dwyer
	S. W. Elliott	F. R. White

G.A.P. opened the meeting stating that Ferro sales for 1968 reached an all time high of approximately \$18,400,000, however, the profit factor was very discouraging. His views for 1969 were optimistic and expressed the hope that many of the problems which plagued Ferro in 1968 will be resolved in the New Year.

W.B.H. in reporting on operations stated that the production levels at Plant #1 and #2 were maintained in December and there were significant increases in some areas, particularly in the Wrap-Up Liners. The Ross Oven is running at partial capacity and we are experiencing the usual start-up problems. Production should increase materially within the next three to four weeks. The Ferroboard Ring production is still not encouraging, however, we are awaiting accessories for the machines which should increase our output. The level of operations at Plant #3 is consistent. The construction has been delayed approximately thirty days due to weather conditions. Plant #4 is producing eight hours daily and is building inventories. The Ross Oven requires a full check out and should be in operation soon.

L.M.B. reviewed November business and estimated December business, by actual sales and by forecast for each plant and by each product line.

C.D.S. gave a full explanation of unusual costs and charges, particularly in the Ferroboard product line.

R.G.T. stated that there was no appreciable change in inventory or warehouse practice since last reporting, and that there was no significant improvement in plant overhead charges in November and that the December figures were not available. He discussed in detail the need for considering price increases on sand rings and the fact that we are awaiting more accurate cost figures before any decision can be made.

F.J.R. reviewed the reporting system as it relates to the standard cost system and stated that the entire Plant #1 and #2 was on the daily performance reporting and Plant #3 would be ready by February 1. He mentioned the diversified training sessions and movies which foremen and supervisory personnel attend every other week and felt there was a very significant trend of improvement. He also touched on the methods improvement program stating that at the moment there were ten projects with a potential \$58,000 savings at a cost of \$2,500.

J.H.G. mentioned that the new coding had been installed with a minimum of problems. There had been several frustrating delays as the result of illness on the part of key personnel. He mentioned the meeting scheduled with the Accounting people to more thoroughly familiarize them with the systems and stressed that there was a steadily increasing amount of machine regulation.

W.S.W. gave a very detailed report on the continued labor problems and the increased December absenteeism which may be related, in part, to illness. He suggested very emphatically that we start now to review our labor contract and spend an amount of time each week in preparation for the reopening of the contract in August. A general discussion followed and a very strong emphasis was placed on the importance of Whittle's suggestion.

S.W.E. indicated that he felt the business level for 1969 would be essentially the same as 1968 and gave his forecast of units by product line for January 1969. He stressed that flat Ferroboard and KOP Hot Tops were items that provided a high profit margin and that additional effort would be concentrated on these lines.

B.F.A. advised that Engineering is receiving more feed back from customers on new designs and indicated that there was an interest in the part of the customers in the possible mechanization of the Quickline Hot Tops, and that we had received inquiries and requests for additional handling means.

J.C.C. again discussed the problems related to exothermic topping and gave information regarding our possibilities of acquiring the output of Alcan in Oswego. Further investigation is necessary as we have not heard back from the intermediary in this project. He also reported that some progress was being made but a lot of additional investigation was necessary with respect to the possible new type backing for Ferroboard liners. There was quite a discussion on the use of asbestos and the problems related to asbestosis and respiratory ailments. There was a discussion involving the recent visit to Reliance Research by J.C.C. and G.W.F.

W.M.G. gave his report on capital budget indicating that Ferroboard Line #1 at Plant #1 was approximately 98% complete and would be fully completed by March 1. The Ferroboard Line #2 at Plant #1 is about 88% complete as of January 1 and new machines had not been ordered at that date but that total completion was expected by June 1. The Ferroboard Line #3 at Plant #1 in Chicago has been delayed due to construction problems and weather conditions and is now scheduled for completion in about July. Canadian Ferro Hot Tops Ltd. Step I regarding the side board productivity is approximately 90% complete, and Step II concerning the Ferroboard Liners is about 60% and should be completed by February. Step III for Ferroboard Rings is due for completion sometime in June. The sand bulk handling equipment for Lines 1 and 2 is about 80% complete with final completion by February '69.

E.A.V. adjourned the meeting.

1/22/69
RGT
GWW

W11C

Even Asbestos Has Its Dangers

Asbestos, a substance used in a great variety of industrial products, can be very dangerous to people who come in contact with it.

Asbestos is a mixture of magnesium, calcium, and iron. If the fine fibers that make up the substance are inhaled, the cells of the body cannot get rid of them, and a diffuse inflammatory reaction occurs in the lungs. Ultimately, normal lung tissue is replaced by fibrous tissue—and cancer is possible.

The incidence of asbestosis, as the condition is called, is rising. This syndrome with increased use of the material. In 1930, world production was 200,000 tons; today it is 1,500,000 tons a year. About 40 per cent of the worker's output is consumed in this country.

The disease progresses slowly, so that we may now be seeing the results of exposure as long as 30 years ago. Experts conjecture that the rate will be much higher 30 years from now.

There are about 30,000 workers in the asbestos industry in this country, and another 3,000,000 in the construction industry, who are exposed to the material. Many others, though, can have casual but just as dangerous exposure, simply by living near an industrial or construction site.

Shortness of breath is the dominant symptom of the condition with a severity rate of proportion to the apparent change in the lung tissue. Shortness also is prone to tuberculosis infection. More importantly, cancer of the lungs occurs in about 13 per cent of such victims, and the death rate from cancer of the stomach, colon, and rectum is unusually high even though no one knows why these organs are affected.

Doctors also are mystified by the appearance of a rare bladder tumor, mesothelioma, which is found increasingly in asbestos victims. They do not know if it is the result of prolonged exposure, or whether a casual exposure can produce

it too. The tumor was found in 17 of 309 workers in the industry who were examined after their deaths.

Usually the case is diagnosed by X-rays of the lungs. It can be discovered also by finding "asbestos bodies" in the sputum, yellow rod-like structures shaped like drum sticks and consisting of an asbestos core surrounded by thick, amorphous material.

No one has discovered a method of treatment for the condition, which is considered invariably fatal. The only prevention suggested is special precautions for people constantly exposed to asbestos, such as masks, air filtration, and improvement of environmental conditions. It is also suggested that people not ordinarily exposed to asbestos avoid any contact with the material when it is in use, as when insulation is installed in a new home.

—JOHN BERENSON, M.D.

Copy to
H. H. H. H.
10/17/66

SUNDAY Times 12th Aug 1955

Asbestos recognised as cancer risk

By Dr Alfred Byrne

REGULATIONS which a few weeks ago were introduced to prevent occupational exposure to asbestos, causing the most important industrial cancer of our time, will be introduced in America by Mrs Margaret Hebrum, U.S. Secretary of Social Security.

From August 22 the tumour known as mesothelioma will be scheduled as a "prescribed disease" so that asbestos workers who contract it as a result of their occupation after a certain time will be eligible for industrial benefits. Mesothelioma is an unusual tumour of the lungs—covering the lungs—and of similar tissue lining the abdominal cavity, and is invariably fatal. Several steps are being taken to speedily discover the full effects of this recently recognised disease so that measures to prevent it can be devised.

A register of all past and present cases occurring in Britain has been set up by the Medical Research Council's Pneumoconiosis Research Unit, directed by Dr J. R. Gibson, in Cardiff. They have added 70 new cases to their original nucleus of 120 since the Sunday Times broke the news of this epidemic on October 21, 1954. One hospital in London and another in Belfast are each admitting an average of one new case a month.

An average of 40 years usually elapses between exposure to asbestos and the appearance of the growth. Exposure for only

two or three months has caused the cancer. Being near an asbestos works, particularly in the case of chrysotile, which is used in the manufacture of asbestos workers can also be infected through inhalation of asbestos fibres given off the clothing of their menfolk.

Such patients are not working with asbestos, so those who have been eligible for compensation under the Industrial Injuries Act of 1947. Indeed, this has meant there are also other mesothelioma victims who are not eligible under the new regulation because they worked for a short time in the industry only before the new Act came into force.

There are three types of asbestos used commercially—chrysotile, crocidolite and amosite—whose possible hazards are now being assessed in the laboratory and the field. Work by Dr Gibson as chairman the International Union against Cancer is arranging mesothelioma surveys in areas where only one type of fibre is prevalent. Studies in South Africa have already shown that the tumour is more common in the neighbourhood of mines producing crocidolite than amosite. To complete the picture the committee are anxious to see a similar study performed in Canada in relation to mines producing chrysotile.

Asbestos is now used to make gutters, roofing tiles, brake linings and numerous other things not envisaged when the risk of asbestos was first realised.

*Cover to
H. J. Roberts
14/7/56*

CAUTION

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST
MAY CAUSE SERIOUS BODILY HARM

Lettering is actual size used.
Color was almost always red.
We have no records of dates of
use.