

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO et al.,

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY,
et al.,

Defendants.

CASE NOS. 32369-323678

(HANNA, J.)

IN RE: ALL BARON & BUDD
ASBESTOS CASES

**DEFENDANT FOSECO, INC.'S RESPONSES TO
PLAINTIFFS' INTERROGATORIES PROPOUNDED TO FOSECO, INC.**

The Defendant Foseco, Inc., hereby provides the following responses to Plaintiffs' Interrogatories pursuant to, under the protection of, and to the extent that such requests comply with the Ohio Rules of Civil Procedure, subject to the "General Objections" noted below:

These responses are based on facts known to or believed by Foseco, Inc. at the time of answer. As much as the information sought concerns matters and events which occurred many years ago, it is difficult, if not impossible, to reconstruct or retrieve a complete past history. Therefore, Foseco, Inc., reserves the right to amend these responses as, and if, new or better information becomes available, or if any error is discovered. To the extent that the information contained herein differs in any respect from any previous responses to discovery, this response shall be deemed to update and supersede such prior responses.

GENERAL OBJECTIONS

1. Foseco, Inc. objects to these discovery requests to the extent that they seek to

require it to respond on behalf of any other entity.

2. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to provide information other than that which may be obtained through a reasonably diligent search of its records.

3. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to respond other than in accordance with the Ohio Rules of Civil Procedure. Thus, Foseco, Inc. declines any obligation to: (a) locate or interview former employees or any other person not presently employed or engaged by Foseco, Inc.; (b) generate documents not presently existing; (c) describe its unsuccessful efforts to answer any request; (d) identify an unknown custodian or the current custodian of documents not in Foseco, Inc.'s possession; (e) identify the file designation and other identifying designation, the present location, or the source of documents identified unless specifically requested in the request; (f) add to or to change the meaning of any request in the conjunctive or disjunctive; (g) respond to any aspect of a request not described with reasonable particularity by the express language of the request; or (h) provide medical or other expert opinion beyond the scope of Foseco, Inc.'s business.

4. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to reveal trade secrets or other confidential product or commercial information.

5. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to respond to questions or to identify or produce documents relating to times, events and other things beyond the subject matter of the Complaint, or outside of the period from 1965 to 1976, during which Foseco, Inc. may have manufactured asbestos-containing hot-top products, or relating to any products other than asbestos-containing hot-top products.

6. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to provide information concerning its manufacturing operations, or any safety precautions or tests undertaken therein, whether in compliance with OSHA or otherwise, inasmuch as the occupational level exposures of manufacturing workers differs from the occupational level exposure of hot-toppers/mold yard workers who would have installed or utilized the products.

7. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to provide information or to identify any documents or other tangible things prepared or obtained in anticipation of litigation or for trial where the Plaintiff has not shown that it (1) has substantial need for the materials in the preparation of the case and (2) is unable to obtain the substantial equivalent of the materials by other means without undue hardship.

8. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to disclose privileged attorney-client communications or information otherwise protected from discovery on the grounds of privilege.

9. Foseco, Inc. objects generally and individually to these discovery requests on the grounds and to the extent that they assume facts not in evidence or otherwise erroneous and on the further grounds that they are vague, overly broad, oppressive, unduly burdensome, excessive in number, not relevant to the subject matter of the litigation, and not calculated to lead to the discovery of admissible evidence and thus declines to pursue a detailed search of its documents.

10. Foseco, Inc., objects to these discovery requests to the extent that they seek to obtain information concerning products which are not relevant to the subject litigation. Plaintiff's claim to have contracted an asbestos-related disease. The only relevant products

would be those which contained asbestos and have been identified as having been sold to Plaintiff's place of employment.

11. Foseco, Inc. hereby adopts the motions and objections of the other Defendants, and reserves the right to adopt future motions and objections relating to Plaintiff's discovery requests.

12. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to gather and summarize information contained in voluminous papers that are already a matter of public record.

13. Foseco, Inc. objects to these discovery requests to the extent that they seek to require it to provide information which is equally available to the Plaintiff as to Foseco, Inc.

14. Foseco, Inc. objects to these discovery requests to the extent that they seek it to respond other than in accordance with the Ohio Rules of Civil Procedure and thus Foseco, Inc. declines to identify computer tapes and programs, computer printouts and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, recordings and computer memories), or fields, files, menus, databases, or other computer classifications or material, inasmuch as such documents constitute documents or other things prepared or obtained in anticipation of litigation or for trial, work product, confidential attorney-client communications, and otherwise privileged documents.

Subject to the foregoing "General Objections" and the limitations which are outlined with regard to each specifically numbered discovery request, Foseco, Inc. responds to Plaintiffs' discovery requests without waiver of, and with the preservation of the following:

(1) The right to object to the use of any responses, or the subject matter thereof, on any

ground in any proceedings in any action (including any trials);

(2) The right to object on any ground, at any time, to a demand or request for a further response to these discovery requests or to any other discovery requests relating to the matters contained herein; and

(3) The right at any time to revise, correct, add to, supplement, or clarify any of the responses to Plaintiffs' discovery requests contained herein.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above.

Anthony Money
Vice-President, Foseco, Inc.

Length of time employed by Foseco:	October 1, 1972 to the present.
Year by year list of other positions:	October 1, 1972 - Comptroller
	April 1, 1974 - Vice-President of Finance
	October, 1980 - Vice-President of
	Finance and Administration
	1989 to Present - Vice-President of
	Administration

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above.

- (a) Corporate name: Foseco, Incorporated
 - (b) State of incorporation: Delaware.
 - (c) Address of principal place of business: 20200 Sheldon Road, Cleveland, OH
 - (d) Registered agent for service in Ohio: CT Corporation.
 - (e) Foseco, Inc. is not claiming at this time that this Court lacks personal jurisdiction.
3. State Defendants 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 commerce or the insuring of asbestos related risks, then please state the following to each acquisition:

- (b) The name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (c) The manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) The date of each such acquisition;
- (e) The state in which each such acquisition was effected;
- (f) The state law governing each such acquisition if specified by contract;
- (g) Whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) Identify each document reflecting or related to the history and/or transactions) set forth in answer to this Interrogatory.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above.

June 28, 1933	Foundry Services, Inc. incorporated in New York
February 1961	Foundry Services, Inc. changes its name to Foseco, Inc. (still incorporated in New York).
November 12, 1974	Foseco, Inc. (New York) creates Foseco Minsep North America, Inc. (Delaware).
December 20, 1974	Foseco, Inc. (New York) merged with Foseco Minsep North America, Inc. (Delaware) to become Foseco Minsep, Inc. (Delaware).
May 16, 1977	Foseco, Inc. (Delaware) was dissolved.
May 16, 1977	Foseco Minsep, Inc. (Delaware) changes its name Foseco, Inc. (Delaware).

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has not 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.

4.1 For each corporation, other than the answer 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 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. Not applicable.

EVER SELL ASBESTOS

5. Has Defendant ever engaged in the mining, manufacturing, installation or distribution of asbestos-containing products? If so, 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 appears 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 each product;
 - (g) a detailed description of the intended uses.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory to the extent that it seeks to elicit information irrelevant to the current litigation. Further objection is made on the grounds to the extent that this interrogatory attempts to obtain information which is not likely to lead to the discovery of admissible evidence. The job sites identified as being at issue or relevant to the subject litigation are ARMCO/A.K. Steel, Middletown Plant and ARMCO/A.K. Steel, Hamilton Plant. Foseco, Inc. incorporates by reference its response to Interrogatory No. 46. Foseco, Inc. provides the following response, subject to and incorporating these objections.

- (a) The Defendant, Foseco, Inc., sold the following asbestos-containing hot top product to ARMCO/A.K. Steel, Middletown Plant.
- (b)
 - (1) Profax.
 - (2) There was no one uniform identification number to designate the product. The identification number would depend on the steel mill to which the product was being provided.
 - (3) Upon information and belief, Foseco, Inc. began its initial development of the Profax product in 1962. The Profax system of insulating the tops of ingot molds to increase the quality and yield of poured steel was a new and untried concept. Preliminary efforts addressed laboratory testing of the proposed product and development of manufacturing/production equipment. Foseco, Inc. worked with interested

steel mills in a cooperative effort to develop the Profax product that would assist in increasing the quality and yield of steel ingots. Limited product development sales of Profax were first made in late 1962. Foseco, Inc. continued to change, improve and develop the Profax product which resulted in Profax being offered for general commercial sale in December, 1965. In 1972, Foseco, Inc. began to search for substitutes for asbestos. Foseco, Inc. had limited success in formulating asbestos-free recipes for Profax which could be used in the ingot molds of specific steel mills. Thus, not all recipes for Profax contained asbestos during the time period 1972 to July 1, 1976. On July 1, 1976, Foseco, Inc. terminated the use of asbestos with regards to any remaining Profax recipes that had not been successfully re-formulated as asbestos-free. By July 11, 1976, Foseco, Inc.'s sales force had researched and confirmed that all of Foseco, Inc.'s hot top products contained in its steel mill purchaser's inventories/warehouses were asbestos-free.

- (4) Profax was a hard board material that was brown/tannish brown in color. The size of the Profax board depended upon the size of the ingot mold to which it was to be applied. Profax boards were custom manufactured to specifically fit within a particular steel mill's ingot mold. No sawing, grinding, or other manipulation of the product was intended in order to have it fit within the ingot mold.
- (5) Profax was intended to be used in the production of steel ingots. Profax was a single use product that would be installed in the top of a cast iron ingot mold. Molten steel, in excess of 2,000 degrees Fahrenheit, would be poured into the ingot mold to the top of the Profax material. Before purchasing Profax from Foseco, Inc. steel mills would make their ingot mold(s) available to Foseco, Inc. for inspection. Measurements of the ingot mold(s) would be obtained which enabled Foseco, Inc. to custom manufacture its Profax product to specifically fit within the steel mills' ingot mold(s). Thus, no preparation of the Profax product was required at the steel mills. Various methods of attaching the Profax material in the ingot mold/head boxes were available. Spring clips, wedges, metal clips, pneumatic nail guns, and specialty apparatus were available to secure the Profax boards within the ingot molds/head boxes. Foseco, Inc. would work with steel mills in developing an application method which best suited the needs

of the steel mill purchaser. The various means of applying the product were well known to the purchasers of the Profax products.

- (6) Profax was initially shipped for sale in cardboard boxes on top of wooden pallets. In approximately 1968/69, the product was plastic shrink-wrapped on a wooden pallet. The size and amount contained in each container would depend upon the size of the ingot mold for which the Profax was being supplied. No logos, writings, impressions, or identifying marks appeared on the Profax product itself. The product name "Profax" as well as the name "Foseco" and the Foseco ladle logo would have appeared on the cardboard boxes in which Profax was initially sold. The mold size for the Profax board would have also appeared on the packaging. The name Profax, as well as the name Foseco and the ladle logo would have appeared on a paper insert with regards to the plastic shrink-wrap method of shipping. Beginning in late 1972, a caution label was attached to the packaging of Profax materials.
 - (7) Profax contained anywhere from 0% to 5% asbestos by weight.
 - (8) Profax that was offered for general commercial sale contained approximately 4% amosite asbestos and approximately 1% chrysotile asbestos.
 - (c) See response to Interrogatory 5(b)(3).
 - (d) The material components of the products varied throughout the years depending upon customer requirements and needs. Foseco, Inc. considers its recipe for Profax to be a trade secret which requires the constituent parts of the product to remain confidential.
 - (e) It would be extremely difficult if not impossible to distinguish Foseco, Inc.'s Profax product from those of its competitors once the products were removed from the shipping packaging.
 - (f) See response to Interrogatory to 5(b)(4).
 - (g) See response to Interrogatory to 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., provides an affirmative response to this Interrogatory.

- (a) November 16, 1965
- (b) November 16, 1965
- (c) Not applicable.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., provides an affirmative response to this interrogatory.

- (a) Profax.
- (b) It would be impossible for the Defendant, Foseco, Inc., to identify every date on which the above product would have been altered.
- (c) The alterations would have concerned the constituent parts of the product. Changes to the product would range from minor alterations of the recipe for production purposes to major changes such as the

- substitution of one constituent part for another.
- (d) To improve the product's performance and, after the necessary research and development, to eliminate asbestos from the formulations. Major changes to the product would need to be approved by the steel mill customers.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. No other companies or businesses were allowed to market, distribute, package, label, and/or sell Foseco, Inc.'s products which were listed in response to Interrogatory No. 5.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., further objects to this Interrogatory on the

grounds that it seeks to elicit information which would be irrelevant to the subject litigation.

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.**

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 8.01.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., upon information and belief, does not believe that it has ever sold asbestos-containing products to any co-Defendant.

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.**

RESPONSE:

The following response is provided reserving all "General Objections" outlined

above. 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco Inc., objects to this Interrogatory on the grounds that it is

irrelevant to the present litigation. Plaintiffs in this litigation are claiming that they have developed an asbestos-related disease. This Interrogatory seeks information concerning non-asbestos-containing products allegedly manufactured by this Defendant. The information sought by this Interrogatory is not likely to lead to the discovery of admissible evidence. Further, the Defendant, Foseco Inc., objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome.

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.**

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco Inc., did not market or distribute any asbestos-containing products manufactured in whole or in part by another entity.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory to the extent that it seeks to obtain information irrelevant to the current litigation. Further objection is made on the grounds that this Interrogatory is overly broad, unduly burdensome, and seeks to obtain information which is not likely to lead to the discovery of admissible evidence. The only specific jobsite identified to date by Plaintiffs to which Foseco, Inc. sold an asbestos-containing product is ARMCO, Middletown. Plaintiffs have not identified any jobsites listed on Plaintiffs' Exhibit A as specific locations where they were employed, with the exception of ARMCO, Middletown. Upon identification by the Plaintiffs of the specific jobsites where they were employed, Foseco, Inc. will supplement this response if any relevant sales records are located.

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 of each such company.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not engage any company or business to market, distribute, install, or sell its asbestos-containing hot top products. Further responding, the Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 8.1.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not engage any companies to market, distribute, install and/or sell, its asbestos-containing products in the state of Ohio during the years 1950 to 1974. Further responding, the Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 8.1.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 8.1.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 8.1. Further responding, the Defendant has provided the requested information with regards to ARMCO, Middletown in response to discovery served in the case of Roger Dale Blake vs. A-Best Products Company, et al., Case No. CV96 01 0191.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco Inc., objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome.

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

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not have any division or subsidiary engaged in the contract business of applying asbestos-containing products.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory as being irrelevant to the subject litigation. Further objection is made on the grounds that the information requested is overly broad and is not likely to lead to the discovery of admissible evidence.

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

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has not at any time entered into a "rebranding"

agreement with any other company, either as buyer or seller, concerning any asbestos-containing products and/or materials.

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.**

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has not owned or operated a business or portion thereof which engaged in construction or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc.

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.**

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., does not have within its custody, possession or control any packages that formerly packaged its asbestos-containing products.

INFORMATION ABOUT DESIGN/TESTING

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory as being overly broad, unduly burdensome, and not likely to lead to the discovery of admissible evidence. Defendant is unable to identify by name, address and job title each individual who participated in the design and preparation of manufacturing specifications for each product listed above in the Defendant, Foseco, Inc.'s answer to Interrogatory No. 5.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined

above. The Defendant, Foseco, Inc., incorporates by reference its response 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. Based on the material contents, the method of manufacturing and the method of application, Foseco, Inc. believed that Profax could be applied by a worker 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., provides an affirmative response to this Interrogatory.

- (a) No list with regard to the subject matter of this Interrogatory exists, and to require the Defendant to do so would be oppressive and unduly burdensome.
- (b) Anthony Money.
- (c) 20200 Sheldon Road, Cleveland, Ohio.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. Prior to releasing Profax for sale and usage, the Defendant, Foseco, Inc., did not conduct or have conducted any tests (either animal or human) on said product to determine potential health hazards involved in the use of, or exposure to, the product. The Profax product sold by Foseco, Inc. was a hard, pre-formed board that was specifically manufactured to fit the purchaser's ingot molds. No sawing, grinding, or other manipulation of the product was intended in order for the product to fit within the ingot mold.

Additionally, prior to beginning general commercial sales of its Profax product, the Defendant's Cleveland facility was inspected by the Industrial Commission of Ohio. The Industrial Commission of Ohio reported to Foseco, Inc., after being informed that asbestos was used as a constituent part in Profax, that no condition constituting any health hazard was noted in the plant. Because the Industrial Commission found no health hazard in Foseco, Inc.'s manufacturing facility where raw asbestos fibers were

utilized, Foseco, Inc. reasonably believed that there was no potential hazard with the use of Profax.

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.

RESPONSE:

The following is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory on the grounds that it seeks to elicit information irrelevant to the current litigation. Further objection is made on the grounds that this Interrogatory seeks to obtain information which is not likely to lead to the discovery of admissible evidence.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 18.

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

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 18.

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

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. After releasing the Profax product for sale, the Defendant, Foseco, Inc., did not

conduct any tests (either on animal or humans) to determine potential health hazards involved in the use of said product. Foseco, Inc.'s Profax product was manufactured to fit a specific customer's ingot mold. Sawing, cutting, grinding, or other manipulation of the product was not intended during the installation process. The asbestos fibers contained in the products were encapsulated within the product by means of the resins and binders used to manufacture the boards. During the pouring of molten steel, the products would be exposed to temperatures in excess of 2,000 degrees Fahrenheit. The amosite and chrysotile asbestos used by Foseco, Inc. in the manufacture of Profax would experience a thermal transformation as a result of being exposed to such temperatures. Therefore, Foseco, Inc. did not believe that the installation and use of its Profax product would result in the release of any appreciable amounts of asbestos fibers.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has never 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 and/ or distributed by them. Foseco, Inc. has never relabeled any product for distribution or had any of its products relabeled for distribution. By way of further answer, the Defendant, Foseco, Inc. incorporates by reference its response to Interrogatory No. 21.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., received a report which reviewed the medical and scientific literature concerning alleged potential health hazards associated with asbestos. The date the report was received by Foseco, Inc. is unknown. The report is dated August 10, 1965, and was prepared by C. Washbourne. Foseco, Inc. did not make, or

cause to be made, the study identified above.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not conduct or cause to be conducted any tests in the fields as set forth in this interrogatory. Further responding, the Defendant, Foseco, Inc., incorporates by reference, its response to Interrogatory No. 21.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory as it calls for scientific or medical opinions which are beyond the knowledge and expertise of this Defendant. Additionally, it is impossible for this Defendant to delineate with any accuracy the information requested in this interrogatory.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 25.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did utilize the services of Thomas Bozich, an industrial hygienist, on a consulting basis. He has been retained at various times by Foseco, Inc. since mid-1970s to analyze air samples for all potentially hazardous dust in Foseco's manufacturing facilities. He has also provided consultation information to Foseco, Inc. concerning dust extraction equipment. He further assisted Foseco, Inc. in learning, understanding and complying with the regulations promulgated by OSHA. His last known address is 403 Katlin Road, Cleveland, Ohio, 44143.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. Foseco, Inc. identifies the following physicians:

Joseph Solomayer, M.D.
25701 North Lakeland Boulevard
Euclid, OH 44132
(approximately 1973 to 5/22/81)

Peter Gomos, M.D.
25701 North Lakeland Boulevard
Euclid, OH 44132
(5/14/81 to 3/9/82)

Alan Jones, M.D.
c/o Southwest General Hospital
18697 East Bagley Road

**Berea, OH 44017
(March of 1982 to February 20, 1994)**

**Howard VanOrdstrand, M.D.
5 Severance Circle
Cleveland Heights, OH 44118**

**Keith Irish, M.D.
c/o Southwest General Hospital
18697 East Bagley Road
Berea, OH 44017**

**George Wright, M.D.
Denver, Colorado**

These physicians were hired by Foseco, Inc. to review Foseco, Inc.'s employees' chest x-rays and perform physical examinations.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The physicians listed above in response to Interrogatory No. 28 were hired by Foseco, Inc. to review Foseco, Inc.'s employees' chest x-rays and perform physical examinations. The Defendant, Foseco, Inc., used the services of Thomas A. Bozich, an industrial hygienist, on a consulting basis. He has been retained at various times by Foseco, Inc. since the mid-1970s to analyze air samples for all potentially hazardous

dust in Foseco's manufacturing facilities. He has also provided consultation information to Foseco, Inc. concerning dust extraction equipment. He further assisted Foseco, Inc. in learning, understanding, and complying with the regulations promulgated by OSHA.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory on the grounds that the information sought is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, the Defendant, Foseco, Inc., incorporates by reference, its response to Interrogatory No. 34.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., answering on behalf of itself only, provides a negative response to this Interrogatory.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., upon information and belief, does not believe that any of its engineers were members of the above listed organizations prior to July 1, 1976. Foseco, Inc. is not able to respond on behalf of any other person or entity.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory on the grounds that the

Defendant does not comprehend or understand the interrogatory given its overly broad scope. In an attempt to be responsive, and subject to what Foseco, Inc. believes this interrogatory is attempting to address, the Defendant, Foseco, Inc., states that it did not perform any air samples, tests, or other activities to determine the amount of asbestos fiber allegedly released into the air during the handling, application, or installation of its hot top products. Foseco, Inc.'s Profax product, as listed in its response to Interrogatory No. 5, was manufactured to fit a specific customer's ingot mold. Sawing, cutting, grinding, or other manipulation of the products was not intended during the installation process. Foseco, Inc. did not feel that the installation and use of its hot top products would result in the release of any appreciable amounts of asbestos fibers during application.

Ted Jago, a former Foseco, Inc. employee, did test the hot top products to determine if any asbestos would have remained after the products had been exposed to molten steel. The tests were performed at Foseco, Inc.'s Cleveland facility. Mr. Jago exposed samples of the hot top products to the temperatures that the products would experience during use. The product residue was then examined, and it was determined that no asbestos survived. Thus, Foseco, Inc. believed that use of the product would result in the asbestos contained therein being destroyed during use. Mr. Jago did not retain any documentation concerning the tests which he performed. The tests were performed by Mr. Jago possibly as early as 1965. Mr. Jago reported his findings to his supervisor, Mr. Ron Ruddie and to Mr. Dick Phoenix, Foseco, Inc. President.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 31.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. In 1965, Fred Eastwood, Vice President of Foseco, Inc., was advised concerning the threshold limit values recommended by the American Conference of Governmental Industrial Hygienists by the Ohio Industrial Commission.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined

above. The Defendant, Foseco, Inc., did not perform any air samples, tests, or other activities to determine the amount of asbestos fiber allegedly released into the air during the handling, application, or installation of its hot top products. Foseco, Inc.'s hot top products, were manufactured to fit a specific customer's ingot mold. Sawing, cutting, grinding, or other manipulation of the products (i.e., fabrication) was not intended during the installation process. Foseco, Inc. did not feel that the installation and use of its hot top products would result in the release of any appreciable amount of asbestos fibers during application.

Ted Jago, a former Foseco, Inc. employee, did test the hot top products to determine if any asbestos would have remained after the products had been exposed to molten steel. The tests were performed at Foseco, Inc.'s Cleveland facility. Mr. Jago exposed samples of the hot top products to the temperatures that the products would experience during use. The product residue was then examined and it was determined that no asbestos survived. Thus, Foseco, Inc. believed that use of the product would result in the asbestos contained therein being destroyed during use. Mr. Jago did not retain any documentation concerning the tests which he performed. It is approximated that the tests were performed by Mr. Jago as early as the mid 1960s. Mr. Jago reported his findings to his supervisor, Mr. Ron Ruddle and to Mr. Dick Phoenix, Foseco, Inc.'s President.

Mr. Phoenix recommended to Mr. Jago that he contact the Ceramics Department of Rutgers University to discuss the results of the tests. Following this recommendation, Mr. Jago traveled to Rutgers University and met with Ceramics Department personnel to discuss the hot top products manufactured by Foseco, Inc. The Ceramics Department

personnel agreed with Mr. Jago's test results and conclusion that use of Foseco, Inc.'s hot top products during the ingot pouring process would result in a destruction of the asbestos contained in the products.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., maintained an informal technical library which was located at 20200 Sheldon Road, Cleveland, Ohio. Upon information and belief, the facility was closed in 1979. No records exist with regard to the content of the library. The materials contained in the library were taken by employees upon its closing. The Defendant, Foseco, Inc. has no further information which would be responsive to any additional subparts of this interrogatory.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did not 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.

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")?

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., does not know when, if ever, anyone in its employ became aware of the article listed.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., provides a negative response to this Interrogatory. Further responding, the Defendant incorporates by reference its response to Interrogatory No. 16.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 36.1

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has been a member of The Refractories Institute since 1988.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., since joining The Refractories Institute in 1988 is

unaware of any minutes or correspondence between members wherein the hazards of asbestos exposure were addressed.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory on the grounds that the information sought is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, the Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 34. Further, the Defendant, Foseco, Inc., is not aware of any articles being withheld from printing pertaining to the potential hazards of asbestos in any periodical.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., upon information and belief, prior to 1975 did not sponsor or attend any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed.

WARNINGS/SALES PROMOTION

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

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and data 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined

above. The Defendant, Foseco, Inc., did not believe that its Profax product posed any health hazard to end users. Notwithstanding this belief, Foseco, Inc., pursuant to the OSHA regulations, supplied purchasers of Profax with Material Safety Data Sheets which contained information concerning the Threshold Limit Values for asbestos dust. The Material Safety Data Sheets further advised the purchasers of Profax that the product did, in fact, contain asbestos. Upon information and belief, the first Material Safety Data Sheet would have been supplied to purchasers of Profax in late 1971.

Further responding, in 1972, Foseco, Inc., pursuant to the OSHA regulations, began to place a caution label on the packaging for its Profax product. The caution label was first used on or about September 1972. The caution label continued to be applied to Profax until the removal of asbestos from the product in July 1976. The caution label read as follows:

**CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE BODILY HARM**

The caution label was affixed to the packaging of the product. The label was 2½ inches by 4½ inches, orange semi-gloss in color with black print.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., did have sales material prepared for the purpose of marketing and advertising the product listed in response to Interrogatory No. 5.

- (a) Unknown.
- (b) Anthony Money, Vice-President.
- (c) Unknown.
- (d) Upon information and belief, the sales literature would have been hand-delivered to the appropriate persons employed by the steel mills.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 42. Further responding, the Defendant states that the sales literature

outlined how Profax was to be applied to the ingot molds. Because the Profax product was meant to have a single use, no information was provided concerning its maintenance.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 9. Further responding, the Defendant objects to this interrogatory as being overly broad, and unduly burdensome. Even if this interrogatory was limited in scope and time, the Defendant, upon information and belief, would be unable to identify all written materials that its sales personnel provided to ARMCO/AK Steel, Middletown plant.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory on the grounds that it is overly broad and vague.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory on the grounds that it seeks to elicit irrelevant information. Further, objection is made on the grounds that the Interrogatory is overly broad, unduly burdensome, and seeks to obtain information which is not likely to lead to the discovery of admissible evidence. The only relevant jobsites would be those specific jobsites where the Plaintiffs were actually employed. Plaintiffs have not identified any jobsites listed on Plaintiffs' Exhibit A as specific locations where they were employed, with the exception of ARMCO, Middletown plant. Information and documents pertain to ARMCO, Middletown plant were provided to

Plaintiffs' counsel in response to discovery was which served in the case of Roger Dale Blake vs. A-Best Products Company, et al., Case No. CV96 01 0191.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory on the grounds that the information requested is irrelevant to the current litigation, is barred by the collateral source rule, and is not reasonably likely to lead to the discovery of admissible evidence. Reserving said objections, Foseco, Inc. provides a negative response to this interrogatory.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory on the grounds that it

is overly broad and unduly burdensome.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this Interrogatory on the grounds that it seeks to elicit information which is irrelevant to the subject litigation.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco Inc., objects to this Interrogatory as being irrelevant to the litigation. The conditions in the Defendant's manufacturing facilities are not at issue. Further objection is made to this Interrogatory on the grounds that the information requested is overly broad and is not likely to lead to the discovery of admissible evidence.

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 each 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 46. The Defendant did not manufacture industrial insulation products.

The Defendant, Foseco, Inc., believed that its hot top products did not pose any potential health hazard to steel mill employees. Notwithstanding this belief, Foseco, Inc. undertook actions to comply with OSHA regulations that came into effect. Pursuant to the OSHA regulations, Foseco, Inc. provided Material Safety Data Sheets to the purchasers of its hot top products. The first Material Safety Data Sheets, upon information and belief, were supplied to Foseco, Inc.'s hot top purchasers in 1971. As new information became available to Foseco, Inc., updated Material Safety Data Sheets would be provided. Information concerning ventilation and/or respirator protection would be outlined on the Material Safety Data Sheets. Further, discussions with purchasers of Foseco's hot top products with regards to OSHA work place regulations addressed these subjects.

Further responding, in 1972, Foseco, Inc., pursuant to and in compliance with the OSHA labeling requirements, began to place a caution label on the packaging of its hot top

products. Upon information and belief, the caution label was first used on or about September, 1972. The caution label continued to be applied to Foseco's hot top products until the removal of asbestos from the products in July, 1976. The caution label read as follows:

**CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE BODILY HARM**

The caution label was affixed to the packaging of the products. The label was 2½" by 4½", orange semi-gloss in color with black print.

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 alleged 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., provides a negative response to this interrogatory.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above.

- a) The Defendant, Foseco Inc., would have been the company responsible for maintaining such records, if any.
- b) Upon information and belief, the Defendant, Foseco Inc., maintained all such records, if any, in their original form and stored them in boxes.
- c) Unknown at this time. Supplemental answer will be provided when available.
- d) 20200 Sheldon Road; Cleveland, Ohio.
- e) Objection. This interrogatory calls for information which is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco Inc., has not intentionally destroyed any documents

according to subject matter, and, upon information and belief, has not intentionally destroyed any records of the type listed. However, some documents from 1967-1968 were destroyed in a plant fire.

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

- (a) Is there any kind of index for the documents?
- (b) How many pages if 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?

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., further objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

- a) The Defendant, Foseco Inc., does not have an index of such documents.
- 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 the matters relevant to the all of 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?

RESPONSE:

The following response is provided reserving all "General Objections" outlined above.

- a) The Defendant, Foseco Inc., does not have an index of invoices, work orders and/or purchase orders.
- 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has not obtained a statement from any witness, including the Plaintiffs.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., states that discovery has not yet been completed.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., states that discovery has not yet been completed.

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 the 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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., objects to this interrogatory as irrelevant, overly broad and unduly burdensome. Foseco, Inc. believes that respirators, masks, or other breathing devices can be employed to prevent the inhalation of asbestos dust and fibers. Further responding, Foseco, Inc. incorporates by reference its response to Interrogatory No. 16.

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

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

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., will identify its witnesses pursuant to the scheduling order entered by the court.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response 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.

RESPONSE:

The following response is provided reserving all “General Objections” outlined above. The Defendant, Foseco, Inc., is not presently aware of any deficiencies with regard to service of process.

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.

RESPONSE:

The following response is provided reserving all “General Objections” outlined above. Discovery concerning this case has not yet been concluded. At the conclusion of discovery or pursuant to any scheduling order entered by the court, Plaintiffs’ counsel will be apprised of the affirmative defenses this Defendant intends to pursue at trial.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., does have policies of insurance which may cover the claims which have been brought by the Plaintiffs.

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.

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., has not been involved in any litigation as described in this Interrogatory.

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

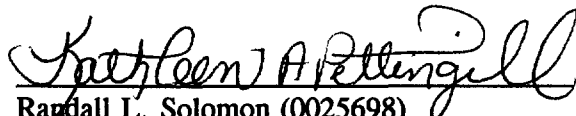
RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 53.

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

RESPONSE:

The following response is provided reserving all "General Objections" outlined above. The Defendant, Foseco, Inc., incorporates by reference its response to Interrogatory No. 5(b)(3).



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Attorneys for Defendant
Foseco, Inc.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO et al.,

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY,
et al.,

Defendants.

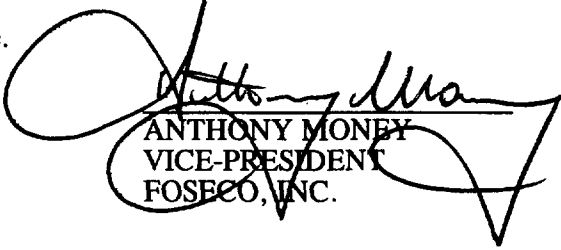
CASE NOS. 32369-323678
(HANNA, J.)

IN RE: ALL BARON & BUDD
ASBESTOS CASES

STATE OF OHIO

VERIFICATION

PERSONALLY APPEARED before me Anthony Money, who, being duly sworn, deposes and says: That he is the Vice-President of Foseco, Inc., a corporation, the Defendant in the above captioned matter; that he has read the foregoing Responses to Plaintiffs' Interrogatories directed to Defendant, Foseco Inc., and knows the contents thereof; that the same is true and correct as therein stated, save and except those matters stated on information and belief, and as to those matters he believes them to be true.


ANTHONY MONEY
VICE-PRESIDENT
FOSECO, INC.

August 26, 1997
Cleveland, Ohio

SWORN to before me this
26th day of August, 1997


NOTARY PUBLIC FOR OHIO
MY COMMISSION EXPIRES:

MARY ELLEN POLK
Notary Public, State of Ohio
My commission expires April 21, 2002

CERTIFICATE OF SERVICE

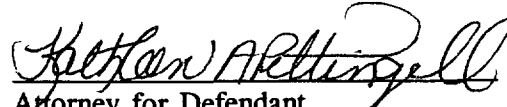
A copy of the foregoing Responses of Defendant Foseco, Inc. to Plaintiff's Interrogatories Propounded To Foseco, Inc. was served upon the following by regular U.S. mail, postage prepaid, and, in addition, notice of the filing of the foregoing was sent by regular U.S. mail, postage prepaid, this 13th day of August, 1997, to all Counsel of Record/Defendant Corporations whose addresses are known to me.

Bruce Carter, Esq.
Baron & Budd
43-B New Garver Road
Monroe, Ohio 45050

Attorney for Plaintiff

Steven D. Wolens, Esq.
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Attorney for Plaintiff


Attorney for Defendant