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04/02/93

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MC LEAN

MOLLIE CRABTREE, Individually and as	)	
Special Administrator of the Estate of	)	
CHARLES CRABTREE, deceased,	)	
Plaintiff,	)	
v.	)	No. 91 L 1
ARMSTRONG WORLD INDUSTRIES, INC., et al.,	)	
Defendants.	)	

**DEFENDANT, OWENS-ILLINOIS, INC.'S RESPONSES TO
PLAINTIFF'S REQUEST FOR PRODUCTION**

PRELIMINARY STATEMENT

Some of the events which may be relevant to the matters inquired about by Plaintiffs' Request for Production apparently occurred more than thirty-five years ago. In addition, effective April 30, 1958, Owens-Illinois, Inc. disposed of the business involved in this action by way of sale of that business to Owens-Corning Fiberglas Corporation. Since that time, Owens-Illinois, Inc. has not engaged in any such business. It does not now and it has not since that sale manufactured, distributed or sold any asbestos-containing products. As a result of the foregoing factors, investigations to date indicate that at least some documents which relate to matters inquired about by these requests were transferred to Owens-Corning Fiberglas Corporation with the transfer of the business in question in 1958. Owens-Illinois, Inc. is engaged in a continuing investigation in an attempt to locate, confirm the transfer of, or confirm the absence of, such documents and is also engaged in a continuing investigation into the matters inquired about in these requests. Unless otherwise stated in an answer to a specific request, the answers set out hereinafter are limited to the period during which Owens-Illinois, Inc.

manufactured asbestos-containing insulation products and to the facilities related to that business. The following is a part of and is incorporated by reference in every answer provided hereinafter:

This answer is accurate as of the date made. However, Owens-Illinois, Inc.'s investigation is continuing, and Owens-Illinois, Inc. cannot exclude the possibility that it may be able to obtain more complete information or even information which indicates that the answer being supplied is incorrect. Owens-Illinois, Inc. objects to answering this request in regard to any period of time other than the period during which it engaged in the business involved in this case which ended in mid-1958 or concerning any facility not related to that business, on the basis that any such answer would be irrelevant to the subject matter of the pending litigation, would not be reasonably calculated to lead to the discovery of admissible evidence, and would be burdensome and oppressive.

Furthermore, Owens-Illinois, Inc. objects to the instructions and definitions supplied by plaintiffs with regard to these requests, on the basis that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overly broad, burdensome and constitute an unreasonable expansion of the requests themselves. Owens-Illinois, Inc. therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiffs, and instead shall answer the requests in a manner consistent with a normal understanding of the language used in the requests and to the extent necessary to fairly and fully answer the requests.

REQUEST NO. 1. All documents reflecting or evidencing the sale of asbestos or asbestos-containing products to Caterpillar, Inc. at East Peoria and/or Peoria, Illinois, including, but not limited to, purchase orders, invoices, accounts receivable cards, and bills of lading depicting sales of asbestos or asbestos-containing products to Caterpillar, Inc.

RESPONSE NO. 1. This defendant ceased the manufacture, sale and distribution of asbestos-containing products in 1958. This defendant has found no documents in its business records responsive to this request.

REQUEST NO. 2. An affidavit stating whether production is complete according to the knowledge of the Defendant and the Defendant's insurance carrier, attorneys, agents and employees.

RESPONSE NO. 2. See attached affidavit.

AFFIDAVIT

STATE OF OHIO)

)SS:

COUNTY OF LUCAS)

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

A. H. Smith

A. H. SMITH

SWORN TO and subscribed before me this 8th day of April, 19 93
My Commission Expires: January, 4th, 1996

SEAL

Mary Janet Crawford
Notary Public

MARY JANET CRAWFORD
Notary Public, State of Ohio
My Commission Expires 1-4-96

File 0-1

[illegible]

No. 91 L 1

**ARMSTRONG WORLD INDUSTRIES,
et al,**

Defendants.

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Robert H. Riley

SCHIFF HARDIN & WAITE
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