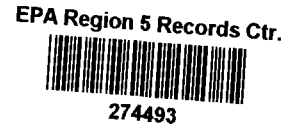


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

	)	
THE DOW CHEMICAL CO., <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ACME WRECKING CO., INC., <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	
THE DOW CHEMICAL CO., <u>et al.</u>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
SUN OIL COMPANY, d/b/a SUNOCO	)	
OIL CORP., <u>et al.</u> ,	)	
	)	
Defendants.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
AERONCA, INC., <u>et al.</u>	)	
	)	
Defendants.	)	
	)	



Civil Action Nos.  
C-1-97-0307; C-1-97-0308  
(Consolidated Actions)  
  
C-1-01-439  
(Transferred Action)

Judge Weber

**UNITED STATES' FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO AERONCA, INC.**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiff, the United States of America, requests that Defendant Aeronca, Inc. ("Aeronca") (1) answer fully, in

writing and under oath. each of the following interrogatories, and serve such answers on the undersigned counsel for the United States within forty-five days, as provided for in the First Case Management Order (“First CMO”) entered in the above-captioned action; and (2) produce the documents requested below, or in lieu thereof serve authentic copies of such documents on the undersigned counsel for the United States within forty-five days, as provided for in the First CMO.

### INSTRUCTIONS

A. Scope of Discovery (Location and Custody of Documents and Information). These interrogatories are directed to the above-named Defendant and cover all information in its possession, custody and control, including information in the possession, custody and control of its current or former officers or directors, employees, agents, servants, representatives, its attorneys, or other persons directly or indirectly employed or retained by it, or anyone else acting on its behalf or otherwise subject to its control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division or affiliate.

B. Document no Longer in Possession. If any document requested is no longer in the possession, custody or control of defendant, state:

1. what was done with the document;
2. when such document was made;
3. the identity and address of the current custodian or the document;
4. the person who made the decision to transfer or dispose of the document; and
5. the reasons for the transfer or disposition.

C. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state:

1. the responsive information currently available;
2. the responsive information currently unavailable;
3. efforts which you intend to make to secure the information currently unavailable; and
4. when you anticipate receiving the information currently unavailable.

D. Scope of Discovery (Time Period). Unless otherwise indicated, these discovery requests apply to the time period from January 1, 1955, to the date of your response, including any supplemental response required by Fed. R. Civ. P. 26(e).

E. Supplemental Responses. These interrogatories and requests for production are continuing; supplemental answers and documents must be filed pursuant to Fed. R. Civ. P. 26(e) between the date these discovery requests are answered and the trial of this action.

F. Identification of a "Communication." Whenever in these interrogatories or production requests there is a request to identify a "communication," state or identify:

1. the date of the communication;
2. the place where it occurred;
3. each person who originated, received, participated in or was present during such communication;
4. the type of communication (e.g., letter, memorandum, telegram, telephone conversation, etc.);
5. state the substance of the communication; and
6. each document relating or referring to, or comprising such communication.

G. Identification of a "Meeting." Whenever in these interrogatories or production requests there is a request to identify a "meeting," state or identify:

1. the date of the meeting;
2. the place of the meeting;
3. each person attending the meeting;
4. the substance of the meeting; and
5. each document relating or referring to the meeting.

H. Identification of a "Document." Whenever in these interrogatories or production requests there is a request to identify a "document," state or identify:

1. its date;
2. its author and signatory;
3. its addressee and all other persons receiving copies;
4. the type of document (e.g., letter, memorandum, contract, report, accounting record, etc.);
5. its title;
6. its substance;
7. its addressee and all other persons receiving copies;
8. its custodian;
9. its present or last known location; and
10. if the document was, but no longer is, in your possession or subject to your control, state where and in whose possession or control it is.

I. Identification of a Natural "Person." Whenever in these interrogatories or production requests there is a request to identify a "person," where the person is a natural person, state or identify the person's:

1. name;
2. present or last known home and business address and telephone number(s);  
and
3. occupation or profession and job title.

J. Identification of a Non-Natural "Person." Whenever in these interrogatories or production requests there is a request to identify a "person," where the person is not a natural person, but otherwise falls within the definition set forth in 42 U.S.C. § 9601(21), state or identify the person's:

1. name;
2. the form of its organization (corporation, partnership, etc.);
3. present or last known principal place of business;
4. telephone number; and
5. business.

K. Document Production in Lieu of Written Response. Whenever a full and complete answer to any interrogatory or part of an interrogatory is contained in a document or documents, the documents, if properly identified as answering a specific numbered interrogatory or part of an interrogatory, may be supplied in place of a written answer provided that the specific sections or pages from the document that are responsive to the interrogatory are identified.

L. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

M. Incomplete Response. If any interrogatory or production request cannot be answered fully, as full an answer as possible should be provided. State the reason for the inability to answer fully, and give any information, knowledge, or belief which the defendant has regarding the unanswered portion.

N. Deletions from Documents. Where anything has been deleted from a document produced in response to an interrogatory or production request:

1. specify the nature of the material deleted;
2. specify the reason for the deletion; and
3. identify the person responsible for the deletion.

O. Privilege as Applied to Interrogatory Response. Should you believe that any information requested by any of the following interrogatories is privileged, please identify such information, state the privilege asserted, and state the facts giving rise to such privilege.

P. Privilege as Applied to Document Production. If objection is made to producing any document, or any portion thereof, or to disclosing any information contained therein, in response to any interrogatory or production request on the basis of any claim of privilege, defendant is requested to specify in writing the nature of such information and documents, and the nature of the privilege claimed, so that the Court may rule on the propriety of the objection. In the case of documents, defendant should state:

1. the title of the document;
2. the nature of the document (e.g., interoffice memorandum, correspondence, report);
3. the author or sender;
4. the addressee;
5. the date of the document;
6. the name of each person to whom the original or a copy was shown or circulated;
7. the names appearing of any circulation list relating to the document;

8. the basis on which privilege is claimed; and
9. a summary statement of the subject matter of the document in sufficient detail to permit the court to rule on the propriety of the objection.

Q. Vague or Burdensome. Defendant may object to a particular interrogatory as vague or burdensome. Plaintiff cannot always determine in advance which interrogatories might truly be burdensome to defendant. It is anticipated that defendant will answer all interrogatories to the best of its ability and in good faith, preserving any bona fide objections if necessary. It is further anticipated that defendant will attempt to obtain clarification or delimiting of plaintiff's interrogatories from the undersigned (who stands ready and willing to do so) if the facts of the particular situation so require.

R. Singular/Plural. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

S. "And" and "Or". The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

#### DEFINITIONS

Unless otherwise indicated, the following definitions shall apply to these discovery requests:

A. "Aeronca" means Aeronca, Inc., formerly known as Aeronca Manufacturing Corp., formerly known as Aeronca Aircraft, and each merged, consolidated, and acquired predecessor or successor (including sole proprietorships), parent, subsidiary, division, and affiliate, each past and present officer, director, employee, agent, servant, and representative of each such entity or individual, and each past and present attorney of each such entity or individual.

B. "Applicable Timeframe" means the period of time:  
-- beginning either on January 1, 1955, or one calendar year prior to the date on which you first arranged for disposal at the Site, or arranged with a transporter for transport for disposal at the Site, of any waste you owned or possessed (whichever is later); and  
-- ending on the date of your response to these discovery requests, including any supplemental response(s) required by Fed. R. Civ. P. 26(e).

C. "Chemical content," when referring to a substance includes, without limitation:  
1. its chemical composition;  
2. its state (e.g., solid, liquid, gaseous or any combination thereof);  
3. the concentration of each element and compound in the substance;  
4. its consistency and makeup, including without limitation, its common chemical name;  
5. the volume, weight and common chemical name of each element and compound in such substance;  
6. its elemental structure and its pH; and

7. the common term or code used in your shipping documents to identify each such substance.

D. "Contractor" means any person who acts as agent for, or on behalf of, any other person, whether or not for consideration, and includes subcontractors.

E. "Dispose of," "disposing" or "disposal" means to release, emit, discharge, deposit, inject, dump, pump, pour, empty, spill, store, leak, escape, leach, abandon, discard or place any substance so that it may enter the environment.

F. "Document" means all writings of any kind, including, without limitation, the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications), bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), and all drafts, alterations, modifications, changes and amendments of any of the foregoing.

G. "Environment" means any surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

H. "Handle" or "handling" means the movement of any substance by any means.

I. "Hazardous substance" means any hazardous substance as defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14), pollutant or contaminant as defined in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), solid waste or hazardous waste as defined in Section 1004(5) and Section 1004(27) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6903(5) and 6903(27), contaminant as defined in Section 1401(6) of the Safe Drinking Water Act, 42 U.S.C. § 300f(6), or pollutant as that term is used in Section 301 of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1311, and as that term is defined in Section 502(6) of that Act, 33 U.S.C. § 1362(6).

J. "Inspection" means the physical observation of any tangible matter.

K. "Person" shall have the meaning set forth in 42 U.S.C. § 9601(21).

L. "Release" has the meaning ascribed to that term by Section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(22).

M. Persons upon whom you "rely" for an Interrogatory answer means any and all of the following:

1. persons who are the source of the information upon which the answer is based; and
2. persons who have information which supports the answer.

N. "Refer to" or "refers to" means mentioning, discussing, making reference to or relating to in any way.

O. "Relate to" or "relates to" means constituting, defining, concerning, embodying, reflecting, identifying, stating, referring to, dealing with or in any way pertaining to.

P. "Shipping document" means any shipping memo, bill of lading, purchase order, weigh ticket, disposal ticket, pick-up or delivery ticket, driver log, invoice, packing list, trip ticket, manifest, receiving report, shipping order and any similar shipping and transportation memorandum.

Q. "Site" or "Skinner Site" means the Skinner Landfill Superfund Site located in Butler County, Ohio, in or near West Chester, Ohio, consisting of the approximately 67 acres of real property (and any buildings, structures and equipment) at that location formerly operated as a landfill and known generally as the Skinner Landfill. For the purpose of these discovery requests, the term "Site" includes both the Site as it has existed since August 1990 and the Site as it existed and operated before August 1990.

R. "Storage" or "storing" means the containment and/or keeping of a substance either on a temporary basis or for a period of years.

S. "Substance" means any liquid, semi-liquid, sludge, gaseous, solid, semi-solid, or other materials (including, without limitation, all residues in drums or other containers and all contact and non-contact water or process water employed in any chemical or industrial operation) that are, contain, or may contain chemicals or chemical, industrial, domestic or other by-products, test products, unused products, materials that may be recycled, mixtures, sewage, solid or hazardous waste, hazardous substances or a pollutant or a contaminant. "Substance" includes construction and demolition debris, waste and hazardous substances.

T. "Test" includes every sampling or analytical procedure (in situ or in a laboratory) to ascertain, characterize or measure the nature, type, amount, chemical content, chemical or physical properties or consistency of any substance.

U. "Treat," "treatment" or "treatment process" means any method, procedure or process by which a substance is treated, reduced in quantity, diluted, detoxified, neutralized, incinerated, recycled or mixed with other substances.

V. "Waste" means any "solid waste" as that term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6903(27), and

includes any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

W. "You" and "your" refers to Aeronca, Inc., formerly known as Aeronca Manufacturing Corp., formerly known as Aeronca Aircraft, and each merged, consolidated, and acquired predecessor or successor (including sole proprietorships), parent, subsidiary, division, and affiliate, each past and present officer, director, employee, agent, servant, and representative of each such entity or individual, and each past and present attorney of each such entity or individual.

### INTERROGATORIES

1. For the Applicable Timeframe, for Aeronca and any predecessor or successor businesses, in chronological order state:
  - a) any changes in company name and the current correct legal name;
  - b) the nature of the business and any changes in the nature of the business operations, including the timeframes for any such changes;
  - c) the locations that the business operated out of and the dates that the business operated out of each location;
  - d) whether the business has been in continuous operation for the entire period, and if not, list the periods when operations ceased;
  - e) the names and positions of all corporate officers and the dates they served in each position held;
  - f) the locations within three hundred miles of the Skinner Site operated by you and the dates in the corporation operated in each location;
  - g) all changes in stock ownership which affected the allocation of stock among the stockholders by more than 5%.
  
2. For the Applicable Timeframe, for each business identified in response to Interrogatory Number 1, describe all activities and/or operations that in any way involved the



use, generation, storage, collection, transportation, disposal, treatment, recycling, or release of waste, hazardous substances, or materials containing hazardous substances, and state the time period(s) during which those activities and/or operations occurred. Identify each person having knowledge of the matters addressed in this Interrogatory.

3. For each type of waste generated, stored, collected, transported, disposed, treated, recycled or released by you or on your behalf during the Applicable Timeframe:

(a) describe its generation and source, chemical content, trade name or common name, volume, method of storage and/or transportation, and method and location of disposal;

(b) indicate whether or not the type of waste contains any hazardous substances;

(c) state the time period(s) during which the generation, storage, collection, transportation, disposal, treatment, recycling or release of each such type of waste occurred; and

(d) identify each person having knowledge of the matters addressed in this Interrogatory and identify each document relating to the matters addressed in this Interrogatory.

4. Describe in detail each instance (during any period of time) in which you arranged by contract, agreement or otherwise for the removal, disposal, treatment, transport, consignment or delivery of hazardous substances that were or may have been taken to the Skinner Site, including, without limitation:

(a) the dates upon which such removal, disposal, treatment, transport, consignment or delivery occurred and on which the substance left your facility or business;

(b) the source of the raw materials used in the processes which generated or otherwise led to the creation of such substance;

- (c) the chemical content or constituents of such substance;
- (d) the amount of such substance;
- (e) the trade name or common name of such substance;
- (f) the manner used to store and transport the substance, including the type(s), coloring(s) and labelling of the container(s) used;
- (g) the identity of those individuals responsible for selecting, packing, dispatching and approving the shipment of such substances;
- (h) the name and address of the contractor, carrier transporter or hauler (including, where applicable, yourself) and any operator or driver of such contractor, carrier or hauler used for transporting such substances; and
- (i) the OEPA waste identification number used at the time of shipment and disposal for each substance identified in this answer.

5. For the Applicable Timeframe, identify each person responsible in any way for managing each business and facility identified in your Response to Interrogatory Number 1 including, without limitation, each person who participated in the planning for the disposal, treatment, handling, generation, storage or transportation of hazardous substances, or who participated in the disposal, treatment, handling, generation, storage or transportation of substances, and in each case specify such person's responsibilities and the time period that such person performed those responsibilities.

6. Identify and describe in complete detail any and all tests or analyses performed on the hazardous substances identified in your Response to Interrogatory Number 4. Include in your response:

- (a) a description of the nature of the tests or analyses;
- (b) the date(s) upon which such studies or analyses were conducted;

- (c) the identity of the persons who performed the tests or analyses;
- (d) the findings and conclusions of the tests or analyses; and
- (e) the identity of any reports or documents relating to such tests or analyses.

7. Identify any permits or written or oral approvals from any federal, state or local governmental agency which were obtained by you for the disposal, treatment, generation, storage or transport of hazardous substances.

8. For the Applicable Timeframe, identify each person, employed or acting on behalf of any of the businesses discussed in response to Interrogatory Number 1 who negotiated or otherwise communicated or dealt with any other party regarding the handling, generation, treatment, transportation, storage or disposal of substances at or to the Skinner Site, and, with respect to each person identified, state the nature and purpose of those negotiations, communications or dealings.

9. During the Applicable Timeframe, did any of the businesses discussed in response to Interrogatory Number 1 have any oral or written agreements relating to the Skinner Site with any person -- or any predecessor or successor in interest to any person -- listed as a plaintiff or defendant in the First Amended Complaint filed in the contribution case in the above-captioned action numbered C-1-97-0307/0308? (A copy of the First Amended Complaint in the contribution case is attached hereto.) If so, for each such agreement, please set forth:

- a) the identities of the parties to each agreement;
- b) the effective dates of each agreement;
- c) the nature and substance of the agreement;
- d) a listing of any benefits conferred or payments (including date of receipt, payor and amount) made or to be made pursuant to each such agreement; and

e) a listing of any benefits conferred or payments (including date of receipt, payor and amount) made or received, or to be made or received, pursuant to each such agreement.

10. Excluding the answer to Interrogatory Number 9, describe in detail all oral or written agreements between (1) any of the businesses discussed in response to Interrogatory Number 1 and (2) any other party relating to the handling, generation, treatment, transportation, storage, or disposal of substances at or to the Skinner Site, including without limitation:

- a) the identities of the parties to each agreement;
- b) the effective dates of each agreement;
- c) the nature and substance of the agreement;
- d) a listing of any benefits conferred or payments (including date of receipt, payor and amount) made or to be made pursuant to each such agreement; and
- e) a listing of any benefits conferred or payments (including date of receipt, payor and amount) made or received, or to be made or received, pursuant to each such agreement.

11. During the Applicable Timeframe, identify all communications and/or contacts between any employee, agent, or contractor of any of the businesses discussed in response to Interrogatory Number 1 and each of the following: Albert Skinner, Elsa Skinner Morgan, John Skinner, Ray Skinner, Gene Crow, Lloyd Gregory, Roger Ludwig, and Rodney Miller.

12. State whether any of the businesses discussed in response to Interrogatory Number 1 ever provided information to the Ohio Environmental Protection Agency ("OEPA") concerning hazardous substances or the disposal, treatment, generation, storage or transport of hazardous substances at or to the Skinner Site, and if so:

- a) state what information was provided to the OEPA;

- b) identify any documents you filed with the OEPA;
- c) state who personally prepared the documents for submission or who supervised and directed their preparation;
- d) state whether the information provided was based on personal knowledge, and if so, whose;
- e) state whether the information that you provided or that was provided at your direction was accurate at the time of submission;
- f) state whether the records submitted to the OEPA were kept in the regular and ordinary course of your business;
- g) state whether the documents submitted were required by law to be kept and submitted;
- h) state whether you have reviewed the information in the records of the OEPA to determine whether it accurately reflects your submissions;
- i) state whether the information in the records of the OEPA is in fact accurate, and if you think it is inaccurate state what information is inaccurate and the basis on which you claim inaccuracy and state what information would be accurate which should be reflected in those records.

13. State whether you have ever filed for bankruptcy or reorganization pursuant to law, and if so, state the dates of such filing, the name and number of the proceeding, the court in which the proceeding was filed, and the outcome of the proceeding. Identify any document initiating and any document terminating such proceeding.

14. Identify all of your corporate officers or directors and for the Applicable Time Period and for each person state what corporation or entity paid his or her salary or any portion of his or her salary, bonuses or travel expenses.

15. Identify all annual reports and financial statements prepared and/or issued by any of the businesses discussed in response to Interrogatory Numbers 1 and for each such report and statement state who prepared them or approved them, and who presently possesses them.

(Copies of all such reports and statements in lieu of an answer to this interrogatory will be sufficient.)

16. Describe all sources of income and the amount of such income of any of the businesses discussed in response to Interrogatory Numbers 1 for each year during the Applicable Timeframe.

17. State the total assets of any of the businesses discussed in response to Interrogatory Numbers 1 for each year during the Applicable Timeframe.

18. Do any of the businesses discussed in response to Interrogatory Numbers 1 have any potential insurance coverage which may in whole or in part cover the claim(s) in this action?

19. If the answer to the previous interrogatory above is affirmative, please state for each such policy:

- a) the name of the person insured;
- b) the name and address of the insurance carrier(s);
- c) the policy number or other identification number;
- d) the effective dates of each policy; and
- e) the nature and limits of the policy coverage.

20. Identify each person you expect to call as an expert witness at the trial of this case, and for each state:

- a) the witness' expertise and qualifications;
- b) each field in which the witness may be offered as an expert;
- c) the subject on which the witness is expected to testify;

- d) the substance of the facts and opinions to which the witness is expected to testify;
- e) a summary of the grounds for each such opinion offered;
- f) identify each person with whom the witness consulted or talked regarding conditions at the site or regarding his testimony;
- g) identify all documents which the witness reviewed, was given, or relies upon in formulating the opinions the witness may give at trial of this case; and
- h) identify all publications authored in whole or in part by such witness.

21. Identify each person not identified in your Response to the previous interrogatory whom you plan to call as a witness at trial, and as to each state:

- a) the subject matter of his testimony; and
- b) the factual basis for that testimony.

22. Identify each person upon whom you expect to rely as an expert but do not plan to call as a witness at the trial of this case, and as to each state his area of expertise.

23. State each and every fact which forms the basis for your contention that the United States' claims are barred by the applicable statutes of limitation. Identify each person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

24. State each and every fact which forms the basis for your contention that the United States' claims are barred by the doctrines of res judicata or collateral estoppel. Identify each person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

25. State each and every fact which forms the basis for your contention that the United States' claims were incurred inconsistently with the National Contingency Plan. Identify each

person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

26. State each and every fact which forms the basis for your contention that hazardous substances, if any, for which arrangements for disposal at the facility were made by Defendant Aeronca, were not detected at the facility, or otherwise did not cause or contribute to the incurrence of costs by the United States. Identify each person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

27. State each and every fact which forms the basis for your contention that no portion or, in the alternative, a small portion of the United States' costs should be recovered from you under the doctrine of divisibility of harm. Identify each person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

28. State each and every fact which forms the basis for your contention that the Court, in applying equitable factors, should enter judgment by which the United States recovers no portion, or, in the alternative, a small portion, of the United States' costs from you. Identify each person having knowledge of the matters addressed in this Interrogatory and each document relating to the matters addressed in this Interrogatory.

29. Identify the person(s) who gathered the documents in response to Plaintiff's request for information pursuant to 42 U.S.C. § 9604 and the First Request for Production of Documents set forth below.

30. Identify each person whom any of the businesses discussed in response to Interrogatory Number 1 has interviewed to investigate the claims made against any of the businesses discussed in response to Interrogatory Number 1 in these actions.



31. Did any of the businesses discussed in response to Interrogatory Numbers 1 have a document retention policy? If so, describe it, indicating how documents were/are organized and categorized for purposes of the policy, when the policy was instituted, and the length of time that each type of document is retained.

32. Describe in detail what records have been searched in order to supply responsive answers to Plaintiff's request for information pursuant to 42 U.S.C. § 9604 and to this First Set of Interrogatories and First Request for Production of Documents:

- a) a description of such records;
- b) the manner in which such records have been kept since their generation, including all storage locations and current custodians;
- c) whether you believe responsive documents existed at one time that no longer exist, and if so, the basis for such belief; and
- d) the exact procedure utilized to examine such records to ascertain whether they were responsive to the Plaintiffs' discovery demands in these cases.

33. For each interrogatory, identify:

- a) who provided the information upon which the Response is based;
- b) whether that person has personal knowledge of the facts contained in the Response; and
- c) if the answer to part (b) of this interrogatory is negative, please identify the source of the information.

#### REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Each document that is identified, referred to or used in any way in responding to the United States' First Set of Interrogatories to Aeronca.

2. Each document that refers or relates to any visit made to the Skinner Site by any person, including, without limitation, any officer, employee, agent or contractor of any of the businesses discussed in response to Interrogatory Number 1.
3. Each document referencing or relating to the Site, including but not limited to any documents relating to the ownership and operation of the Site, the acceptance or disposal of substances at the Site, and the conditions at the Site.
4. Each document that was produced, exchanged or received in discovery or introduced as evidence in any other litigation relating to the Site.
5. Each document relating or referring to the generation, handling, treatment, transport, storage, disposal or receipt by any of the businesses discussed in response to Interrogatory Number 1 of any substances which may have been disposed of at the Skinner Site including, without limitation, each contract, purchase order, invoice, shipping document, manifest, bill of lading, check, trip ticket and financial record.
6. Each document relating to the use, disposal, transport, storage or treatment of substances at the Site.
7. All contracts or other documents relating to business transacted between any of the businesses discussed in response to Interrogatory Number 1 and any other person which relate to the Skinner Site.
8. Each document that refers or relates to the Skinner Site, and which refers or relates to any communication between any of the businesses discussed in response to Interrogatory Number 1 and any other person who may have owned or possessed any substance that was consigned, accepted for transport, or delivered, directly or indirectly, to the Skinner Site, including, without limitation, the plaintiffs (other than the United States) and defendants in these consolidated actions.

9. Each permit, application, administrative order or document issued by or submitted to any local, state or federal agency that refers or relates to any substance that you received, consigned, accepted for transport, or delivered, directly or indirectly, which may have been disposed of at the Skinner Site, including, without limitation, all correspondence which refers or relates to each such permit, application, order or document.

10. Each document relating to communications between any of the businesses discussed in response to Interrogatory Number 1 and federal, state or local governments regarding the Site.

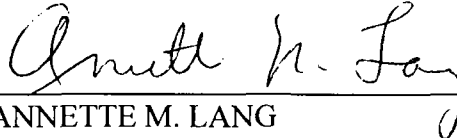
11. The financial records of any of the businesses discussed in response to Interrogatory Number 1 regardless of whether those records have been audited, including, without limitation:

- a) Financial statements during the Applicable Timeframe;
- b) Income tax returns during the Applicable Timeframe; and
- c) Any policies of insurance which may cover, in whole or in part, any claim(s) against you in this action.

12. Each document filed by any of the businesses discussed in response to Interrogatory Number 1 with the Ohio Secretary of State.

Respectfully submitted,

W. Benjamin Fisherow  
Deputy Section Chief  
Environmental Enforcement Section  
Environment & Natural Resources Div.  
U.S. Department of Justice



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of March 2002, I caused a true copy of the foregoing **UNITED STATES' FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO AERONCA, INC.** to be served by first-class mail, postage prepaid upon the following counsel of record:

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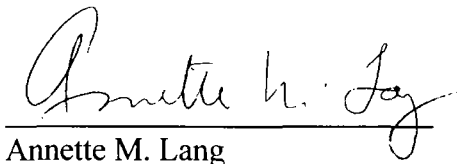
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