Exhibit A

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

HOBART CORPORATION, *et al.*,	)	CASE NO. 3:10-CV-195
	)	
Plaintiffs,	)	JUDGE WALTER HERBERT RICE
	)	
vs.	)	
	)	
WASTE MANAGEMENT OF OHIO, INC., *et al.*,	)	
	)	
	)	
Defendants.	)	

SECOND RESPONSE OF CARGILL, INCORPORATED TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendant Cargill, Incorporated ("Cargill"), pursuant to the Federal Rules of Civil Procedure and agreement of counsel, hereby responds to Plaintiffs' First Set Of Interrogatories Propounded Upon Defendant Cargill, Incorporated.

GENERAL OBJECTIONS

1. Cargill objects to the interrogatories, instructions, and definitions to the extent that they do not comply with the Federal Rules of Civil Procedure or the Local Rules of this Court, or otherwise seek to impose duties or obligations upon Cargill that are greater than or inconsistent with those rules. Cargill objects to each interrogatory, instruction and definition to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Cargill responds to interrogatories, such response is neither an express nor implied agreement or admission as to the meaning of a term or characterization of certain matters.

2. Cargill objects to Plaintiffs' definition of "Your Dayton Area Facilities," because this definition is overbroad and burdensome, and seeks information that is irrelevant and not

reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill is answering these interrogatories with respect to the "Corn Mill," as that term is defined in Cargill's answer to Interrogatory 1.

3. Cargill objects to Plaintiffs' definitions of "Defendant," "You" and "Your" to the extent that they purport to obligate Cargill to provide information or documentation from persons or entities not subject to the control of Cargill.

4. Cargill objects to the definition of the terms "description," "describe," "identification," "identify" and "identity" with respect to persons insofar as those terms require Cargill to provide addresses and telephone numbers for current Cargill employees. Plaintiffs may arrange for the attendance of these employees at depositions or trial by making arrangements with Cargill's counsel.

5. Cargill objects to Plaintiffs' definition of "wastes" and their requests for information about "wastes," since Plaintiffs' claims pertain only to hazardous substances. For that reason, the interrogatories requesting information about all "wastes" are overbroad and burdensome, and seek information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

6. No objection made herein, or lack thereof, shall be deemed an admission by Cargill as to the existence or non-existence of any documents and/or information.

7. Cargill objects to the interrogatories, instructions, and definitions as unduly broad and burdensome, in particular, instructions 3, 4, and 5.

8. Cargill objects to each interrogatory to the extent that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, or any other legally recognized privilege, protection, or immunity. No privileged materials or information will be

produced or disclosed. Inadvertent disclosure of any such protected information shall not constitute a waiver of Cargill's right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Cargill upon discovery thereof.

9. Cargill objects to each interrogatory to the extent is seeks information protected from disclosure, such as trade secrets or other confidential or proprietary business information.

10. Cargill objects to any interrogatory, definition, or instruction that seeks to require Cargill to take extraordinary measures to perform a search for responsive information, on the grounds that such request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

11. With respect to interrogatories utilizing terms or words that inherently may be construed in an unreasonably broad manner, Cargill objects on the grounds of vagueness, overbreadth, and undue burden, and objects that such interrogatories are not reasonably calculated to lead to the discovery of admissible evidence.

12. To the extent Cargill asserts an objection of vagueness, overbreadth, or undue burden, it asserts a further objection that the interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

13. Cargill objects to Plaintiffs' interrogatories to the extent they go beyond the scope of discovery that is relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

14. To the extent a response is made to an interrogatory to which there is one or more specific objection(s), said response is made notwithstanding and without waiving any of the general objections.

15. In making these objections, Cargill does not in any way waive or intend to waive, but rather intends to preserve and is preserving, should it become appropriate:

a. all objections to the competency, relevancy, materiality, and admissibility of any information that may be produced and disclosed in response to these interrogatories;

b. all rights to object on any ground to the use of any information that may be produced or disclosed in response to these interrogatories, or the subject matter thereof in any subsequent proceedings, including the trial of this action;

c. all rights to object on any ground to any request for further responses to these interrogatories or any other discovery requests from Plaintiffs; and

d. all rights to supplement its responses to these interrogatories.

16. Cargill has made reasonable efforts to respond to each interrogatory as Cargill understands and interprets the interrogatory. If Plaintiffs subsequently assert an interpretation of an interrogatory that differs from that of Cargill, Cargill reserves the right to supplement its response.

17. As formal discovery has not been completed, Cargill reserves the right to rely upon any facts, documents or other evidence which may develop or come to its attention later.

18. Cargill objects to interrogatories that may assume facts that are not true or that are not in evidence, and Cargill does not acknowledge as fact or truth any statements made in the interrogatories by virtue of responding to them.

19. Cargill objects to Plaintiffs' requests for information for the period of 1941 through 1996 on the grounds that they are overly broad, are unduly burdensome, and seek information

that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Cargill advises Plaintiffs that the Corn Mill did not start operation until 1973. Therefore, Cargill cannot provide information responsive to these interrogatories for Corn Mill operations prior to 1973.

20. The foregoing General Objections 1-19 are incorporated by reference into the response to each of the individual interrogatories below.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each of Your Dayton Area Facilities, including for each facility (a) the name and address, (b) the time period(s) of Your ownership, leasing or operation of the facility, and (c) the business operation(s) conducted there.

ANSWER:

Cargill has previously answered this interrogatory. *See* Cargill, Incorporated's Partial Response to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents Propounded upon Defendant Cargill, Incorporated, previously served in this litigation.

INTERROGATORY NO. 2: Identify the custodian of records or person responsible for maintaining the records of Your Dayton Area Facilities for the period 1941 through 1996. If no such custodian of records or person exists, identify each person who is likely to have knowledge or information relating to the location and/or maintenance of such records for each facility for that time period.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested

discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory as overbroad and burdensome, because it seeks the names of custodians for all of Cargill's records for the Corn Mill whether or not these employees are still employed by Cargill. Cargill also objects to the request for information about the custodians of all of the Corn Mill's records, regardless of the records' subject matter, on the grounds that this request is overbroad and burdensome and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill will supplement its answers to these interrogatories by providing the names of current custodians of relevant records in Cargill's possession.

INTERROGATORY NO. 3: Identify the persons with knowledge of the history of ownership of Your Dayton Area Facilities since 1941, including but not limited to, any changes in ownership, mergers, acquisitions, and the identity of predecessors and successors-in-interest.

OBJECTIONS: See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory as overbroad and burdensome, because a multitude of persons have some knowledge about the topics of this interrogatory. Without waiving these objections, Cargill provides the following answer:

Exhibit A

ANSWER:

Cargill refers Plaintiffs to its answer to Interrogatory 1 of this set of interrogatories, which is incorporated herein by reference. In addition, pursuant to Federal Rule of Civil Procedure 33(d), Cargill is producing the transcript of Michael Vlasak's deposition in *Cargill, Incorporated, et al. v. Advanced Foundry, et al.*, Case No. C-3-98-036 (S.D. Ohio) (hereinafter referred to as the "Vlasak transcript").

INTERROGATORY NO. 4: Describe the business operations, processes and/or activities at each of Your Dayton Area Facilities for the period 1941 through 1996, including but not limited to a description of any products manufactured, the processes used, the wastes generated by such processes, and the materials and substances used in such processes.

OBJECTIONS: See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory, because it calls for narrative responses beyond the appropriate scope of interrogatories. Moreover, this interrogatory is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, because it requests a "description of any products manufactured, the processes used, the wastes generated by such processes, and the materials and substances used in such processes" regardless of whether any of the products, processes, materials, or substances generated wastes taken to the Site. Without waiving these objections, Cargill provides the following answer:

Exhibit A

ANSWER:

Cargill refers Plaintiffs to its answer to Interrogatory 1 of this set of interrogatories, which is incorporated herein by reference. In addition, pursuant to Federal Rule of Civil Procedure 33(d), Cargill is producing the Vlasak transcript and 21 boxes of waste tickets and associated records from which Plaintiffs can obtain additional information responsive to this interrogatory.

INTERROGATORY NO. 5: With respect to each of Your Dayton Area Facilities for the period 1941 through the present, identify the person(s) responsible for the following positions, including the time period(s) during which the position was held by each person:

(a) Plant or facility management;

(b) Production management;

(c) Purchasing;

(d) Waste treatment, storage or disposal;

(e) Maintenance;

(f) Safety;

(g) Hiring and/or supervising transporters and/or drivers to transport materials for disposal, storage or treatment;

(h) Accounting, including without limitation accounts payable and accounts receivable; and

(i) Environmental affairs, compliance and/or management.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested

discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests the identification of employees who were not employed by Cargill during the time that the Site was in operation, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Cargill objects to identifying employees involved in production management, purchasing, maintenance, safety, and accounting, because these employees have no information that is irrelevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Pursuant to Federal Rule of Civil Procedure 33(d), Cargill is producing the Vlasak transcript and 21 boxes of waste tickets and associated records from which Plaintiffs can obtain some of the information responsive to this interrogatory. Cargill is searching for additional information about the employees working in the following fields of employment: plant or facility management; waste treatment, storage or disposal; hiring and/or supervising transporters and/or drivers to transport materials for disposal, storage or treatment; and environmental affairs, compliance and/or management. Cargill will supplement its answers to these interrogatories by providing additional information responsive to this interrogatory.

Exhibit A

INTERROGATORY NO. 6: Identify each person with knowledge or information relating to Your procedures for the disposal, storage or treatment of waste generated at each of Your Dayton Area Facilities for the time period 1941 through 1996 and describe each person's particular area of knowledge or information.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests information about persons with knowledge about procedures for the disposal, storage or treatment of waste that was not delivered to the Site, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Pursuant to Federal Rule of Civil Procedure 33(d), Cargill will make 21 boxes of waste tickets and associated records available to Plaintiffs from which they may obtain some of the information requested by this interrogatory. Cargill is searching for additional responsive to this interrogatory.

INTERROGATORY NO. 7: Identify each of Your Dayton Area Facilities that arranged for the disposal, storage or treatment of waste at the Site or arranged for the transportation of waste to the Site for disposal, storage or treatment during the time period 1941 through 1996.

OBJECTIONS:

See General Objections. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Cargill has no information that any of its facilities arranged for the disposal, storage or treatment of waste at the Site or arranged for the transportation of waste to the Site for disposal, storage or treatment.

INTERROGATORY NO. 8: Identify each transporter, driver or person you contracted with or hired to transport waste from Your Dayton Area Facilities to any disposal, storage or treatment facility for the time period 1941 through 1996.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests information about persons who transported waste to facilities other than the Site, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably

calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill provides the following answer:

ANSWER:

The Peerless Transportation Company and Industrial Waste Disposal (IWD) transported wastes from the Corn Mill. Pursuant to Federal Rule of Civil Procedure 33(d), Cargill will make 21 boxes of waste tickets and associated records available to Plaintiffs from which they may obtain the names of drivers who transported wastes from the Corn Mill.

INTERROGATORY NO. 9: Identify by chemical content the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill also objects to the use of the terms "chemical content" and "chemical products," because these terms are vague, ambiguous, and susceptible to multiple interpretations. Cargill further objects to this interrogatory to the extent it requests information about chemical products that were not delivered to the Site, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Pursuant to Federal Rule of Civil Procedure 33(d), Cargill is producing the Vlasak transcript and 21 boxes of waste tickets and associated records from which Plaintiffs can obtain information responsive to this interrogatory.

INTERROGATORY NO. 10: Identify by volume the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests information about chemical products that were not delivered to the Site, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 11: Identify by chemical content any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

OBJECTIONS:

See General Objections. Cargill also objects to the use of the term "chemical content," because this term is vague, ambiguous, and susceptible to multiple interpretations. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Cargill has no information that any of its facilities transported or otherwise arranged for transportation of any waste to the Site.

INTERROGATORY NO. 12: Identify by volume any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

OBJECTIONS:

See General Objections. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Cargill has no information that any of its facilities transported or otherwise arranged for transportation of any waste to the Site.

INTERROGATORY NO. 13: Identify each disposal, storage or treatment facility to which waste from Your Dayton Area Facilities was transported at any time during the period 1941 through 1996.

OBJECTIONS:

See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests information about disposal, storage or treatment facilities other than the Site, because such a request is overbroad and burdensome, and seeks information that is irrelevant and not reasonably calculated to

lead to the discovery of admissible evidence. Without waiving these objections, Cargill provides the following answer:

ANSWER:

Pursuant to Federal Rule of Civil Procedure 33(d), Cargill will make 21 boxes of waste tickets and associated records available to Plaintiffs from which they may obtain the information requested by this interrogatory to the extent that Cargill has this information.

INTERROGATORY NO. 14: For each of Your Dayton Area Facilities, identify each and every process or operation that generated any waste containing PCBs (Polychlorinated Biphenyls), chemical solvents, cutting oils, paint, paint residue, foundry sand, cores or slag, Stoddard solvents, machine-tool water-based coolants, dielectric fluids, oils and/or brake fluids, for the period 1941 through 1996.

OBJECTIONS: See General Objections. In addition, Cargill objects to this interrogatory on the grounds that it is oppressive and unduly burdensome, and the burden and cost of the requested discovery outweighs its likely benefit, in light of the fact that Plaintiffs have admitted that they have no evidence, documentary or otherwise, which shows that any materials originating at a Cargill facility were delivered to the South Dayton Landfill. Cargill further objects to this interrogatory to the extent it requests information about wastes that were not delivered to the Site, because such a request (1) is overbroad and burdensome, and (2) seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Cargill states that it is searching for information responsive to this interrogatory and will supplement its answers to these interrogatories by providing information responsive to this interrogatory.

Exhibit A

State of Minnesota)
) SS
County of Hennepin)

VERIFICATION

Bart Eddy, being first duly sworn under law, deposes and says that he is the AVP – Engineering, Cargill Corn Milling North America of Cargill, Incorporated, that he has read the foregoing answers to interrogatories, and that based upon information available to Cargill, Incorporated that he believes to be accurate, the answers to these interrogatories are true to the best of his knowledge, information and belief.

Bart Eddy

Bart Eddy

Sworn to and subscribed before me this 1st day of February 2012.

JESSICA SUZANNE DAHLHEIMER
Notary Public
State of Minnesota
My Commission Expires
January 31, 2017

Notary Public

Exhibit A

Dated: February 1, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2012, I sent the foregoing responses by electronic mail to the following:

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Exhibit A

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