

FILE NAME: Wagner (WAG)

DATE: 1985

DOC#: WAG025

DOCUMENT DESCRIPTION: Legal - Answers to Plaintiffs' Interrogatories in
Bradley, et al. vs. Pittsburgh Corning Corp., et al.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

ERMAN JAMES BRADLEY, :
et al., :
 :
Plaintiffs, :
 : C. A. No. 84C-MY-145 (asbestos)
v. :
 :
PITTSBURGH CORNING :
CORPORATION, et al., :
 :
Defendants. :

ANSWER OF CHARLES A. WAGNER CO., INC.
TO INTERROGATORIES AND REQUEST FOR PRODUCTION
DIRECTED TO DEFENDENTS IN ACCORDANCE WITH
STANDING ORDER NUMBER ONE

1. Describe in detail, with specificity and particularity each product mined, produced, manufactured or sold by the answering defendant or its predecessors in title or subsidiaries which contained asbestos for each year from 1936 until 1980; and for each such product describe:

(a) its chemical ingredients;
(b) State the manner in which it was intended to be used, i.e., in the construction and/or insulation of buildings and/or equipment, etc.;

(c) For each ingredient contained therein state:
(i) The name or chemical composition of each substance, what harmful effects, if any are known, that it produced in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;

(ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;

(iii) Identify each individual who participated in such determination and/or obtained such knowledge;

(iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;

(v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(vi) Which products or ingredients were mined, which were manufactured and which were distributed by answering defendants.

ANSWER: Asbestos

(a) Unknown.

(b) None known to this Defendant.

(c) Unknown

2. If any product identified in answer to Interrogatory No. 1 and was produced, manufactured and/or sold under a trade name, identify that trade name(s) and state the time period that each such product was sold under such trade name.

ANSWER:

2. Not applicable.

3. For each product identified in answer to Interrogatory No. 1, state:

(a) The address of each plant where it was manufactured, processed or packaged;

(b) Whether you were the sole producer, manufacturer and/or distributor of the product and, if not:

(i) The name and address of each other person, firm or other entity engaged in the production, manufacture and/or distribution of the product;

(ii) Whether any other manufacturer produced the product by virtue of a franchise or license from you;

(iii) The persons or firms who produced the product for distribution in the United States;

(iv) The person or firms who produced the product for distribution in the State of Delaware.

ANSWER:

(a) To the best of this Defendant's knowledge,
Thetford Mines;

(g) Describe the terms of any settlement reached before or during trial;

(h) State whether any appeal is pending from any judgment that has been rendered;

(i) State the exact nature of the condition alleged in such action to have resulted from the plaintiffs' use of or contact with said product and identify the product involved;

(j) Identify each document which reflects, refers or relates to any information pertaining to that complaint.

ANSWER: This interrogatory is objected to as beyond the scope of Superior Court Civil Rule 26. Without waiving this objection, this Defendant states that the following cases have been filed against this Defendant in jurisdictions other than Delaware, according to presentley available information:

Weldon Smith v. AC and S, Inc. pending in Los Angeles County Superior Court;

Jack L. Schwartz v. Charles Wagner dismissed as to Charles A. Wagner dismissed as to Charles A. Wagner, Inc., upon settlement;

McAlwee v. Ingalls Shipyard pending in the United States District Court in and for the Eastern District of Louisiana.

49. With regard to each product identified in answer to Interrogatory 1 or 8, state whether you have ever received a notice of injury to any other person as a consequence of a condition of asbestosis, asbestos related pleural disease and cancer resulting from the use of that product and, if so:

(a) State the date it was received;

(b) State the name and address of injured person;

(c) Describe in detail the complaint;

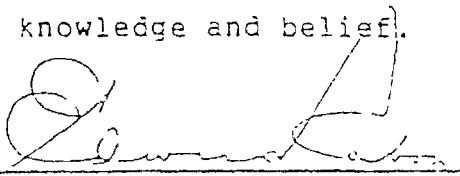
(d) Identify each document which reflects, refers or relates to any information pertaining to that complaint;

A-180

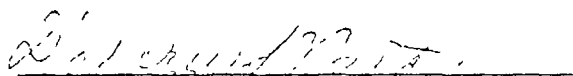
PLANNED
STATE OF ~~DELEWARE~~)
~~PLANNED~~) SS.
NEW-CASTLE COUNTY)

BE IT REMEMBERED, that on this 29th day of

OCTOBER, A.D., 1985, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Edward Rabon, who did depose and say that he is the President of Charles A. Wagner Company, Inc. and that the Answers set forth in these answers to interrogatories are true and correct to the best of his knowledge and belief.


EDWARD RABON

SWORN to and subscribed before me the day and year aforesaid.


Notary Public

NOTARY PUBLIC
Philadelphia, P^a Philadelphia Co., Pa.
My Commission Expires June 22, 1987