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December 17, 1992

Wilentz, Goldman & Spitzer, P.C.
90 Woodbridge Center Drive - P.O. Box 10
Woodbridge, New Jersey 07095

Attn: Philip A. Pahigian, Esq.

Re: Cerka vs. A.C. & S., et al.
Our File No: 075.6140-TJK

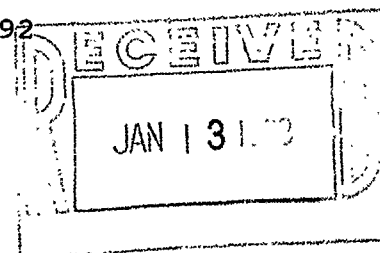
Dear Mr. Pahigian:

Enclosed please find certified answers to
interrogatories propounded by your office on behalf of the
Defendant, Bird Incorporated of Massachusetts, in the above
captioned matter.

Very truly yours,

Thomas J. Kelly
THOMAS J. KELLY,

TJK:eb
Enclosures



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JAN 13

EDWARD GELNAW, ET AL.	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION-MIDDLESEX COUNTY
Plaintiffs,	:	DOCKET NO: L-043889-86
	:	
vs.	:	
	:	
CELOTEX CORPORATION, ET AL.	:	CIVIL ACTION
	:	ANSWERS TO MIDDLESEX COUNTY
Defendants.	:	STANDARD DEFENDANT INTERRO-
	:	GATORIES ON BEHALF OF
	:	DEFENDANT, BIRD & SON, INC..

B-1. Thomas Hartnett, Vice President of Sales,
Pleasant Street,
Norwood, Massachusetts 02062

B-2. Bird Inc. is involved in a number of activities including, but not limited to, the manufacture and sale of products for the process industries market and building and remodeling market.

B-3. 1795

B-4. (a) No as to mining, etc. The plaintiff, Mr. Gelnow, was only able to identify two products which he transported from a plant in the Perth Amboy area which may have been the Bird plant. The only two products identified by the plaintiff which are alleged to be connected with the Bird plant in Perth Amboy are a 90 pound felt paper and roofing shingles. The Perth Amboy division is no longer in business. Bird processed a 90 lb mineral surface sheet at its Perth Amboy Plant which was non-asbestos containing. As to the roofing shingles which Mr. Gelnow claims to have transported from the Perth Amboy plant, to the best of our knowledge the Bird plant in Perth Amboy would periodically process roofing shingles which were non

asbestos containing. Bird & Son, Inc. has been named as a defendant in certain cases as a result of its name appearing on certain supply sheets for roofing materials such as its 45 pound base sheet. As to sale and distribution of this product, Bird 45 pound base sheet is an asbestos-based product and not truly an asbestos insulation product. If purchased in the New Jersey area, this product would have been manufactured in Bird's Norwood, Massachusetts plant from 1970 through 1976, and shipped to the Perth Amboy plant for distribution. The Perth Amboy division is no longer in business. A 15 pound base sheet was similarly processed in the Perth Amboy plant periodically. This base sheet was processed from rolls of roofing felt supplied by GAF or Nicolet and bought by Bird in roll form. The felt was first saturated with asphalt. After saturation, it was coated with a mixture of asphalt and mineral stabilizer and dusted with talc. This produce was, therefore, totally encapsulated and non-friable.

b. Bird and Son, Inc. now Bird Inc.

- B-5. None
- B-6. Asphalt Roofing Manufacturers Association.
- B-7. No
- B-8. Annual reports.
- B-9. Not to our knowledge.
- B-10. No.
- B-11. Yes.
- B-12. Yes.
- B-13. Yes, minutes are kept by corporate offices.
- B-14. Yes.
- B-15. Objection, improper question; however, for purposes of discovery and not as an all inclusive list, heat retention, flame retardation and strengthening.
- B-16. Not to my knowledge.
- B-17. N/A.
- B-18. Impossible to answer with any specificity to any one product or type of product; however, as a general rule, Bird products would be sold to construction supply, building supply and lumbar supply companies. See D2 and D4.

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B-19. No.

B-20. N/A.

B-21. No.

B-22. Objection, irrelevant unlikely to lead to discoverable information.

B-23. Objection, irrelevant unlikely to lead to discoverable information.

B-24. No.

B-25. No.

B-26. No.

B-27. No.

B-28. Not to our knowledge at this time, no. However, tests were run at various Bird plants prior to saturation of felt products with asphalt, which showed asbestos levels to be below acceptable standards even at this point in the production process.

B-29. Yes, tests were run at the Perth Amboy Plant which showed the asbestos levels in the work environment to be below the acceptable standard levels. See attached.

B-30. This defendant did not "manufacture" such products. In addition, see B-28 and B-29.

B-31. See B-28 and B-29.

B-32. See prior answers.

B-33. Objection, question is improper and irrelevant.

B-34. No.

B-35. No.

B-36. Objection, this interrogatory is improper as it calls for expert medical opinion which this defendant is not qualified to give. Without waiving said objection and for the purpose of discovery only, this defendant has no specific knowledge of a causal relationship between asbestos and diseases other than what was learned from the media.

B-37. See B-26.

B-38. Irrelevant as plaintiff has not identified Bird as a manufacturer of any of the products listed below. See B-4.

B-39. None to defendants knowledge at the present time.

B-40. No.

B-41. N/A.

B-42. N/A.

B-43. All parties to this suit, their agents, servants and employees; all treating and examining physicians; all custodians of relevant records; all persons named in these interrogatories and in all discovery; Frank Anthony, Thomas J. Hartnett, Vice President of Sales, J. Jackson, all c/o Bird Incorporated, 1 Dedham Place, Westwood, Mass.; W. B. Rossnagel, P.E.

B-44. W.B. Rossnagel, P.E., W.B.R. Engineering, Inc., 134 Baracroof Drive, Cherry Hill, New Jersey 08034. Further, defendant will rely on any or all expert witnesses retained by any party.

B-45. Upon the advice of counsel, defendant asserts that should plaintiff's alleged illness be proven and it be found that it is a directly or indirectly related to exposure to asbestos or asbestos containing products, then fault, if any, may be the responsibility of the manufacturers of the asbestos felt and/or fiber or the plaintiff for the failure to take appropriate protective measures where necessary. Further, defendant denies that any of its incapsulated nonfryable products caused or could have caused or contributed to any alleged illness of the plaintiff.

B-46. Unknown at present as plaintiff has not provided sufficient discovery. Bird would rely on all discovery dealing with plaintiff's exposure to all deleterious substances, as well as the smoking history of the plaintiff.

B-47. See B-46.

B-48. Not at this time.

B-49. See B-45 and B-46. Defendant will rely on all discovery.

B-50. Yes. This defendant will rely upon such facts as continuing discovery may reveal and upon such facts as may be produced at the time of trial in order to factually support this contention.

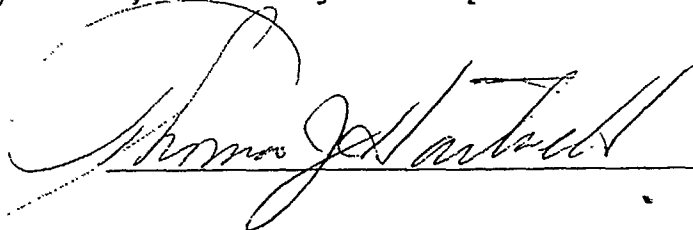
CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

L.S.

CERTIFICATION IN LIEU OF OATH

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Dated: 2-1-89