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MICH.

3/12/86

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF INGHAM

MASON PUBLIC SCHOOLS, et al

Plaintiffs

v

W. R. GRACE & Co., et al

Defendants

File No. 84 52860 NZ

HON. MICHAEL G. HARRISON

**RESPONSES OF DEFENDANT KENTILE FLOORS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Kentile Floors (Kentile) responds to Plaintiffs' First Set of Interrogatories as follows:

GENERAL OBJECTIONS AND LIMITATIONS

These responses are based upon facts known or believed by Kentile at th time of answering the interrogatories. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retri Kentile therefore reserves the right to amend its answers if new or better information becomes available.

Unless otherwise stated in response to a specific interrogatory, these responses are limited to asphalt tile containing a small percentage of asbestos fibers, totally encapsulated in a homogeneous mixture. To the exte that the interrogatories call for information beyond these limitations, Kentile objects on the grounds that they are overly broad and burdensome, se information not relevant to the subject matter of this case, and are not reasonably calculated to lead to the discovery of admissible evidence.

Kentile further objects to these interrogatories to the extent that the seek information that is subject to the attorney-client privilege that evidences or constitutes attorney's work product, or that is otherwise not discoverable under the Michigan Court Rules.

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PLAINTIFF'S EXHIBIT KEN-494



SP460278

Kentile further objects to these interrogatories to the extent that the seek production of any information constituting a trade secret, confidential financial data, or other confidential research, development or commercial information.

Kentile further objects to these interrogatories on the grounds that they are unnecessarily repetitive and are therefore oppressive, burdensome, and are not reasonably calculated to lead to the discovery of admissible evidence.

Kentile further objects to the plaintiffs' attempt to impose any obligation upon Kentile to supplement the responses to the interrogatories beyond the obligations imposed by the Michigan Court Rules.

Kentile further objects to these interrogatories to the extent that they purport to require Kentile to "identify" documents, on the grounds that they are overly broad and burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections or any objection stated in its responses to these interrogatories, Kentile will produce to the plaintiffs at a mutually agreeable time any and all documents responsive to these interrogatories that are relevant and not subject to attorney-client privilege or to the work product doctrine, and that do not contain trade secrets, confidential financial data or other confidential research, development, or commercial information.

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CALIFORNIA AND NEW JERSEY

MAR 12 1986

March 12, 1986

Ms. Linda Gawel
Insurance Manager
Kentile Floors, Inc.
58 Second Avenue
Brooklyn, N.Y. 11215

Re: Mason Public Schools v Kentile Floors
Mancelona Public Schools v Kentile
Bridgeport-Spaulding Community Schools v Kentile
St. Johns Public Schools v Kentile
St. Joseph Public Schools v Kentile
* Benton Harbor Area Schools v Kentile
Charlotte Public Schools v Kentile

Dear Ms. Gawel:

This will confirm that I represent Kentile Floors in the above matters and also acknowledge receipt of your letter of January 16. I am enclosing a copy of the interrogatories served on me by plaintiffs' counsel. Arrangements must be made to have them answered as soon as possible.

I have prepared objections to many of the interrogatories because they are overbroad and burdensome, seeking information not relevant to the cases. A copy is enclosed. Relevant documents will be made available for inspection by plaintiffs' counsel at a time and place convenient to us. Please let me know if you have any questions.

Very truly yours,

S. David McNeill
SDM:dr

* Plaintiff listed Kentile Floors in the caption but somehow his word processor neglected to name Kentile in the body of the complaint. Plaintiff's counsel is taking appropriate steps to rectify this.

SP460277

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF INGHAM

MASON PUBLIC SCHOOLS,

Plaintiff

v

W. R. GRACE & CO., a Connecticut corp., et al,

Defendants

No. 84 52860 NZ

HON. MICHAEL G. HARRISON

PATRICK J. BERARDO P10707
Attorney for Plaintiff

S. DAVID McNEILL P17544
Attorney for KENTILE FLOORS

MICH.

NO DATE

RESPONSES OF DEFENDANT KENTILE FLOORS, INC. TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

KENTILE FLOORS, INC. (Kentile) responds to Plaintiff's First Set of Interrogatories as follows:

GENERAL OBJECTIONS AND LIMITATIONS

These responses are based upon facts known or believed by Kentile at the time of answering these interrogatories. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. Kentile, therefore, reserves the right to amend these responses if new or better information becomes available.

Unless other stated in response to a specific interrogatory, these responses are limited to asphalt tile containing a small percentage of asbestos fibers, totally encapsulated in a homogeneous mixture. To the extent that these interrogatories call for information beyond these limitations, Kentile objects on the grounds that they are overly broad and burdensome, seek information not relevant to the subject matter of this case, and are not reasonably calculated to lead to the discovery of admissible evidence.

Kentile further objects to these interrogatories to the extent that they seek information that is subject to the attorney-client privilege, that evidences attorney's work product, or that it is otherwise not discoverable under the Michigan Court Rules.

Kentile further objects to these interrogatories to the extent that they seek production of any information constituting a trade secret, confidential financial data, or other confidential research, development, or commercial information.



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SP460252

Kentile further objects to these interrogatories on the grounds that they are unnecessarily repetitive and are therefore oppressive, burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Kentile further objects to the Plaintiff's attempt to impose any obligation upon Kentile to supplement the responses to these interrogatories beyond the obligations imposed by the Michigan Court Rules.

Kentile further objects to these interrogatories to the extent that purport to require Kentile to "identify" documents, on the grounds that they are overly broad and burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections or any objections stated in its responses to these interrogatories, Kentile will produce to the Plaintiff, at a mutually agreeable time, any and all documents responsive to these interrogatories that are relevant and not subject to attorney-client privilege or to the work product doctrine and do not contain trade secrets, confidential financial data or other confidential research, development or commercial information.

1. Identify the person signing these interrogatories on behalf of the answering defendant.

1.

2. As to each interrogatory, identify the person(s) and/or documents which furnised information upon which the answer is based in whole or in part.

2. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Kentile states that several individuals and voluminous documents were consulted to answer these interrogatories and cannot, without undue burden, be specifically related to each interrogatory.

Pursuant to Rule MCR 2.309 (e), Kentile will produce to the Plaintiffs at a mutually agreeable time, any and all documents responsive to these interrogatories that are relevant and not subject to the attorney-client privilege or the work product doctrine and that do not contain trade secrets, confidential financial data or other confidential research, development or commercial information.

3. Identify the answering defendant as well as all prior names or predecessor entities by which the defendant has existed.

3. Kentile Floors, Inc.
Kentile, Inc.
David E. Kennedy, Inc.

4. Identify all past and present divisions, subsidiaries or affiliated companies to the answering defendant, and set forth with particularity the precise relationship with the answering defendant and the dates thereof.

4. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Kentile responds to the interrogatory as follows:

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SP460253

Crest Flooring - subsidiary. Wholesale distribution of floor covering products, including Kentile. March 1980 to present.

5. Have you ever mined asbestos? If so, as to each mine, state the following:

a) location
b) dates of operation by you
c) type (e.g. chrysotile, amosite, etc.) produced;
d) grade of each type of asbestos fiber produced, the percentage of each grade as to the total fiber produced by year or other period, and the recommended use of the grade of fiber
e) gross annual sales in dollars and in volume for each type and grade of asbestos fiber
f) your relative market share for each type and grade of asbestos fiber for each year or other period
g) all other constituents in each end product, the percentage thereof and the identity of all records as to the same
h) the identity of each physician, industrial hygienist, nurse, or medical or health officer and the dates thereof
i) the identity of each mine supervisor or works manager and each quality control superintendent and the dates thereof
j) a full and presicse description of the package in which the asbestos fiber was sold, including, but not limited to, type of package, size, colors, and writings thereon
k) all names under which the asbestos fiber was sold
l) the identity of all records reflecting the sale or transfer of said asbestos fiber
m) the identity of the custodian of actual containers or photographs of containers of the asbestos fiber
n) the verbatim content of each warranty or guarantee applicalbe to asbestos fiber
o) the verbatim content of any warning which accompanied the package, and the dates thereof
p) the address of each sales office and sales region for the sale of the asbestos fiber
q) the name of each authorized distributor of the asbestos fiber produced
r) the identity of all sales literature pertaining to the asbestos fiber produced
s) the identity of each owner and operator of the mine prior to the date you first began operation of the mine and the dates thereof, and
t) the identity of each owner and operator of the mine subsequent to your ceasing operation of the mine.

5. No.

6. Have you ever milled asbestos? If so, state the dates you were involved in the milling of asbestos, and the locations of your milling facilities.

6. No.

7. Have you ever sold raw asbestos fiber? If so, state the dates you were involved in the sale of raw asbestos fiber and describe the circumstances of your involvement.

7. No.

8. List by brand name every product containing asbestos which you have ever manufactured. As to each such product, state the following:

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a) type of product (e.g. acoustical plaster, fireproofing, etc.)
b) the date the product first went into production
c) the last date the product was produced
d) the last date the product was sold
e) all manufacturing locations
f) dates of manufacture at each location
g) the identity of each plant manager or works manager and each quality control superintendent at each location during said production and the dates thereof
h) the identity of each physician, industrial hygienist, nurse or medical or health officer at each location from the date the product was first manufactured there unti the present, and the dates thereof
i) the percentage of asbestos, and the dates and all reasons for any modification thereto
j) the type of asbestos
k) the specific source of asbestos with dates
l) the color, physical characteristics and appearance of the product
m) a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, colors and writings thereon
n) all other names under which the product was sold
o) the number and date of each patent or patents application as to the product
p) if the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and the date the product was first produced without the asbestos
q) if the product is no longer produced, all rea ons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product and the date the replacement product first went into production
r) a precise description of your identifying logo or initials and the dates of inclusion on the product
s) the identity of the custodian of actual containers or photographs of containers of the product
t) all other names under which the product was sold
u) the approximate area (e.g. square feet or linear feet) which each package of the product would cover
v) the suggested retail price for each package of the product for each year the product was produced, and
w) the method of application (e.g. spray, trowel, etc.)

8. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to discovery of admisible evidence. Without waiving its objection, Kentile answers the interrogatory as follows:

8. Reinforced vinyl tile; vinyl composition tile; asphalt tile.

a) Resilient floor tile (RFT) and vinyl sheet flooring (VSF).
b) RFT - December 1906
VSF - December 1966
c) RFT currently being produced
VSF - September 1969
d) RFT currently being sold
VSF - December 1969
e) 58 Second Avenue, Brooklyn, NY
4532 S. Kolin Ave., Chicago, IL
Kentile Road, South Plaintield, NJ
Torrance, CA



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SP460255

f) (i) RFT - Brooklyn, N.Y 1906
(ii) RFT - Chicago, IL 1949
(iii) RFT - Torrance, CA 1959 - 1977
(iv) VSF - So. Plainfield, NJ 1966 - 1969

g) Objection on the ground that the question is not reasonably calculated to lead to the discovery of relevant evidence

h) Objection on the ground that the question is not reasonably calculated to lead to the discovery of relevant evidence

i) Product composed of approximately 75% filler and 25% binder. Chrysotile asbestos at 10-15% of total product. No significant changes in composition. Percent changes in ingredients have taken place, i.e. an increase in filler and a decrease in asbestos for competitive and economic reasons.

j) Chrysotile

k) Johns Manville Corp. - Asbestos. Quebec, Canada 1950 - 1961
Union Carbide Corp. - Niagara Falls, NY 1966 to date
Carey Canada Corp. - East Bringham Station, Canada 1969 to 1978
Atlas Asbestos Co. - c/o Huxley Development, NYC 1969 to 1978

l) Product is sold in solid squares, 9 x 9 or 12 x 12, numerous colors. Asbestos is encapsulated in the solid tile.

m) Corrugated cardboard cartons, tan or white in color. Sizes of cartons made to hold 45 square feet of tiles of various gauges. Name of company, size of tiles, package handling instructions, style, color and code number on each carton.

n) See Answer to 8.

o) No patents

p) Not applicable

q) Not applicable

r) See attached copy of logo

s) Kentile Floors, Inc.

t) Not applicable

u) 45 square feet

v) Objection on the ground that the question is not reasonably calculated to lead to the discovery of relevant evidence.

w) Install on floor with adhesive

9. List by brand name every other product containing asbestos which you have ever distributed or sold. As to each such product, provide the information requested in the preceding interrogatory.

9. None.

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10. List by brand name every nonasbestos-containing acoustical ceiling, ceiling texture, fireproofing, or insulation product which you have ever manufactured. As to each such product, state the following;

a) type of product (e.g. acoustical plaster, acoustical ceiling tile, fireproofing, ets.)
b) the date the product first went into production
c) the last date the product was produced
d) the last date the product was sold
e) all other names under which the product was sold
f) a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color, and writings thereon
g) the approximate area (e.g. square feet or linear feet) which each package of the product would cover.
h) the suggested retail price for each package of the product for each year the product was produced, and
i) the method of application (e.g. spray, trowell, etc.)

10. Not applicable

11. List by brand name every other nonasbestos-containing acoustical ceiling, ceiling testure, fireproofing, or insulation product which you have ever distributed or sold. As to each such product, provide the information requested in the preceding interrogatory.

11. Not applicable

12. List by brand name every asbestos-containing spray or troweled applied ceiling or fireproofing product manufactured or distributed by any other company of which you are presently aware. As to each such product, state the following:

a) your best information as to the manufacturer or manufacturers of the product
b) your best information as to all distributors of the product
c) your best information as to the type of product (i.e. acoustical plaster or fireproofing)
d) your best information as to the dates the product was produced
e) your best information as to all manufacturing locations of the product
f) your best information as to the relative market share of the product for each year, or if unknown, for a group of years.

12. Not applicable

13. List by brand name every nonasbestos-containing spray or troweled applied ceiling or fireproofing product manufactured or distributed by any other company of which you are presently aware. As to each such product, state the following:

a) your best information as to the manufacturer or manufacturers of the product
b) your best information as to all distributors of the product
c) your best information as to the type of product (i.e. acoustical plaster or fireproofing0
d) your best information as to the dates the product was produced
e) your best information as to all manufacturing locations of the product
f) your best information as to the relative market share of the product for each year, or if unknown, for a group of years.

13. Not applicable

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SP460257

14. State whether or not you have any information or an opinion as to your relative market share regarding each asbestos-containing spray or trowell-applied ceiling or fireproofing product for any year for the period 1945 through and including 1973. If so, as to each year and with respect to each type of product, or any subdivisions thereof, provide such information or opinion as to your market share, and identify each document which provides any information to assist you in this determination.

14. Not applicable

15. State the following with respect to each asbestos-containing construction product ever manufactured or distributed by you:

a) All reasons why asbestos was used as an ingredient
b) All other materials which could have performed the same function in a satisfactory manner
c) the verbatim content of each warranty or guarantee applicable to the performance or safety of the product, and the applicable dates of each.

15. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

16. Have you or anyone acting on your behalf ever conducted any research, testing, study or analysis pertaining to the quality and/or performance of your asbestos-containing construction products to determine the effect of water damage, mold, rust, condensation, wind, impact, vandalism, again, and other forms of wear, tear and abrasion on the quality or performance and/or field success or failure of such products? If so, state the following;

a) a full description of all research, testing, studies or analysis undertaken
b) the names, present addresses, and employment titles of all persons who participated in any such research, tests, studies or analyses
c) the dates on which all such research, tests, studies or analyses were conducted
d) the resuls or conclusions reached as a result of such research, tests, studies or analyses
e) any design changes made in your products as a result of such research, tests, studies, or analyses; and
f) any instructions, directions, or other information provided to building owners or occupiers as a result of such research, tests, studies or analyses.

16. No.

17. Please state whether you or anyone acting on your behalf ever conducted any research, testing or studies of any kind to determine whetehr any of your asbestos-containing construction products posed any hazards or dangers to the health or safety of those persons who would utilize, inhabit or otherwise occupy buildings or structures in which those products had been applied. If so, set forth in detail:

a) a full description of all research, testing or studies undertaken to determine whetehr said products were safe for such persons
b) the identity of all persons who participated in any such research, tests, or studies
c) the dates on which all such research, tests or studies were conducted
d) the results or conclusions reached as a result of such research, tests, or studies

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BP460258

e) any design changes made in your products as a result of such studies

f) any corrective measures made by you as a result of such studies,

g) the identity of all documents that in any way relate to the conduct of any such research, testing or studies or the results thereof, and the identity of the person who has custody thereof.

17. No.

18. Please state whetehr you or anyone acting on your behalf ever conducted any research, testing or sutdies of any kind to determine whether any of your asbestos-containing construction products posed any hazards or dangers to the health or safety of those persons who would apply such products in buildings or on structures. If so, set forth in detail:

a) a full description of all research, testing or studies undertaken to determine whether said products were safe for such persons

b) the identity of all persons who participated in any such research, tests or studies

c) the dates on which all such research, tests or studies were conducted

d) the results or conclusions reached as a result of such research, tests or studies

e) any design changes made in your products as a result of such studies

f) any corrective measures made by you as a result of such studies,

g) the identity of all documents that in any way relate to the conduct of any such research, testing or studies or the results thereof and the identity of the person who has custody thereof.

18. No.

19. State the following with respect to the sale of asbestos-containing construction products during the entire period such products were manufactured or distributed by you:

a) the name and description of the sales region or regions for the sale of construction products, including all modifications thereto, which included or serviced this state, and the dates thereof

b) the address of each sales office located in said sales region or regions and the dates thereof

c) the identity of each sales person who sold construction products in this state and the dates thereof

d) the identity of all authorized dealers in this state and all contiguous states and the dates thereof

e) the identity of all documents which refer, reflect, or relate to the sale, distribution or shipment of asbestos construction products within said region or regions, including, but not limited to, all sales records, invoices, computer printouts, bills of lading, freight bills, shipping orders, or other documents of transfer, and the identity of the person or persons who have the custody thereof; and

f) the gross annual sales in dollars and in volume for each asbestos construction roduct in said sales region or regions.

19. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Kentile answers the interrogatory as follows:

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SP460259

32. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

33. State the following with respect to lung cancer;

a) the date you first heard it alleged that there is a causal connection between lung cancer and the inhalation of asbestos, the identity of the person and/or document that was the source of such allegation, the identity of the person who received such information, and the identity of all documents generated as a result of the receipt of such information

b) the date your first recognized that there is a causal connection between lung cancer and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of such recobnition

c) as to each type of asbestos fiber contained in your asbestos products, the minimum dose you contend is sufficient to cause or contribute to such condition for a smoker and for a non-smoker.

33. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

34. State the following with respect to mesothelioma:

a) the date you first heard it alleged that there is a causal connection between mesothelioma and the inhalation of asbestos, the identity of the person and/or document that was the source of such allegation, the identity of the person who received such inforamtion, and the identity of all documents generated as a result of the receipt of such information

b) the date you first recognized that there is a causal connection between mesothelioma and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of the receipt of such information

c) as to each type of asbestos fiber contained in your asbestos products, the minimum does you contend is sufficient to cause or contribute to such condition for a smoker and for a non-smoker.

34. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

35. Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of mesothelioma or lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease.

35. Kentile objects on the grounds that the interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

36. Do you contend that there is a minimum threshold level of exposure to asbestos below which there is no risk of developing mesothelioma? If so, what is it?

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SP460263

a) the precise wording of the warning, caution, or special instruction, including all modifications thereto

b) the description of each such printed warning, caution, or special instruction, including all modifications thereto

c) the date each warning, caution, or special instruction and each modification thereto first appeared

d) the method used to distribute the warning, caution, or special instruction to persons who were likely to use the product

e) the identity of any industrial psychologist or human factors engineer consulted prior to utilizing the warning, caution or instruction; and

f) the identity of each person who presently has possession of the warning, caution or instruction.

28. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Kentile states:

a-b) See copy of attached warning.

c) Approximately 1978 to present.

d) Insert in packages.

e) None.

f) Kentile Floors, Inc.

29. When and under what circumstances did you first become aware that warning were placed on asbestos or asbestos-containing products distributed by other manufacturers or distributors?

29. Never.

30. Identify all sources of raw asbestos fiber beginning in 1945 and going to date, on a yearly basis, and with respect to each, the annual gross dollar amount and gross weight of asbestos fiber purchased.

30. Dollar and weight amounts unabailable.

31. Identify all warnings, cautions, caveats, instruction or directions accompanying raw asbestos fiber purchased by you and the dates thereof.

31. Letter of Johns Manville, October, 1968.

32. State the following with respect to asbestosis:

a) the date you first heard it alleged that there is a causal connection between asbestosis and the inhalation of asbestos, the identity of the person and/or document that was the source of such allegation, the identity of all documetns generated as a result of the receipt of such information;

b) the date you first recognized that there is a causal connection between asbestosis and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of such recognition

c) as to each type of asbestos fiber contained in your asbestos products, the minimum dose you contend is sufficient to cause or contribute to such condition for a smoker and for a nonsmoker.

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SP460262

22. Not applicable

23. Identify any instructions, directions, technical bulletins, material data sheets, price lists, or other documents provided to distributors, contractors, supply houses, sales persons, or building owners pertaining to the application, maintenance, or repair of each nonasbestos-containing acoustical ceiling, ceiling texture, fireproofing, or insulation product ever manufactured or distributed by you.

23. Not applicable

24. Identify all of your chief medical officers from 1930 until the present time, listing the periods of time each such person was employed in that capacity and the facility or office to which the person was assigned. If you did not have a medical officer, please identify the person or persons who performed that function and the dates thereof.

24. None

25. Identify all persons employed by you from 1930 until the present time who functioned as industrial hygienists, listing the periods of time each such person was employed in that capacity and the facility or office to which the person was assigned. As used in this interrogatory, an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazard and suggests methods of dealing with the same.

25. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

26. Identify all persons employed by you from 1930 until the present time who functioned as safety directors, safety engineers, or persons who served in substantially the same position, or had such responsibility, and set forth the periods of time each such person was employed in that capacity and the facility or office to which the person was assigned.

26. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

27. Identify all physicians, radiologists, industrial hygienists, safety engineers, insurance risk manager. or persons who acted in substantially the same roles, with whom you consulted, and provide the dates thereof and a general description of the work performed..

27. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

28. Did any asbestos or asbestos-containing product manufactured or distributed by you ever contain any warning, caution, or special instruction concerning the health consequences of the use of the product or the breathing of asbestos dust, or safety procedures to be employed by persons using or handling such product or were such health consequences otherwise communicated to users or purchasers of the product? If so, list the products, and with respect to each, state the following:

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ATTORNEYS & COUNSELORS
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TROY, MICHIGAN 48084
(313) 643-7460



BP460261

19. a. Sales Districts #43 and #44.

b. None

c. Products sold through wholesale distributors

d. Authorized distributors:

Great Lakes Sales, Inc. 7/26/63 to present
4203 Roger B. Chaffee
Memorial Drive, S.E.
Grand Rapids, MI 49509

Royal Carpet Distributors 8/18/75 to present
20750 Hoover Road
Warren, MI 48089

H.J. Oldenkamp Co. 12/23/76 to present
2305 E. Genessee
Saginaw, MI 48601

H.J. Oldenkamp Co. 12/23/76 to present
4669 E. Eight Mile Rd.
Warren, MI 38091

e. Locating identifying, and producing such documents if any exist, would require an expensive manual review of thousands of documents.

f. Objection on the ground that the question is not reasonable calculated to lead to the discovery of relevant evidence.

20. Identify all sales literature including brochures, advertisements, pamphlets or other material pertaining to each asbestos-containing construction product ever manufactured or distributed by you.

20. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Kentile states:

Various sales brochures and pamphlets available through Kentile's Customer Service Department.

21. Identify any instructions, directions, technical bulletins, material data sheets, price lists, or other documents provided to distributors, contractors, supply houses, sales persons, or building owners pertaining to the application, maintenance, or repair of each asbestos construction product ever manufactured or distributed by you.

21. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Kentile answers as follows:

Various maintenance and installation instructions available through Kentile's Customer Service Department.

22. Identify all sales literature including brochures, advertisements, pamphlets or other material pertaining to each nonasbestos-containing acoustical ceiling, ceiling texture, fireproofing, or insulation product ever manufactured or distributed by you.

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36. Not known.

37. Do you contend that there is a minimum threshold level of exposure to asbestos below which there is no risk of developing lung cancer? If so, what is it?

37. Not known.

38. Are there any circumstances in which the presence of in-place asbestos-containing materials in buildings may present an increased risk of mesothelioma or lung cancer to employees? If so, list and explain in detail every factor you contend is relevant to the amount of risk.

38. Not known.

39. Under what circumstances would you recommend that building owners determine the existence of in-place asbestos-containing materials? As to such materials, under what circumstances would you recommend any of the following?

a) removing the asbestos-containing material
b) encapsulating the asbestos-containing material
c) enclosing the asbestos-containing material
d) assessing the asbestos-containing material further, and if so, the form of assessment (air sampling, visual inspection, etc.)
e) establishing an operations and maintenance program; and
f) establishing a periodic review or update of the assessment.

39. Kentile objects on the grounds thatthis interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

40.State the number of requests you have received by or on behalf of a building owner to abate in-place asbestos-containing materials which allegedly presented a present or potential hazard by reason of the asbestos, and the number of occasions you have agreed to undertake any abatement.

40. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

41. State the number of occasions you have received notice of a breach of warranty claim by or on behalf of a building owner that in-place asbestos-containing materials were defective, unmerchantable, or unfit by reason of the asbestos, and the number of times you have responded thereto and agreed to remedy the alleged defect.

41. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

42. List each notice, claim, allegation, or statement that you have ever received that an injury or disease resulted from exposure to or use of any asbestos or any asbestos product manufactured or distributed by you, and with respect to each, state the following:

a) the name and address of each claimant
b) the date of the notice of each claim

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c) a description of the claim (e.g. workmen's compensation, third party liability action, disability insurance claim, complaint letter, etc.)

d) the type of injury or disease allegedly sustained

e) the name and address of the attorney, if any, who represented the individual making the claim

f) where applicable, the style and court number or other number designation of the claim

g) the resolution of each claim that has been disposed of

h) the identity of the custodian of all records that relate to the claim

i) the identity of all indexes or summaries listing all or a part of said claims.

42. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

43. List each notice, claim, allegation, or statement that you have received from or on behalf of a building owner or occupier that a potential or actual health hazard existed because of the existence of an asbestos product therein. As to each, provide the information requested in the preceding interrogatory.

43. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

44. Identify all internal documents of this Defendant where the potential health effects of asbestos have been discussed including, but not limited to, minutes of product safety, health, industrial hygiene, or other committees; records relating to any decision to include or exclude asbestos from any product; records relating to any proposed warning, caution or instruction for placement of asbestos-containing products; medical, health or industrial hygiene reports; records or reports concerning any proposed or actual surveillance program; and documents or memoranda reporting on seminars, medical literature, newspaper articles, litigation, or meetings with members of the medical or health community, or other members of industry or insurance representatives.

44. Kentile objects on the ground that the question is overbroad and burdensome. Kentile does not maintain records by the categories stated in the request. Locating, identifying and producing such records, if any exist, would require an extensive manual review of thousands of documents.

45. Identify all internal operating bulletins dealing with the handling or use of asbestos or asbestos-containing products in your facilities.

45. See answer to No. 44.

46. Identify all documents, reports or communications received by this Defendant from any supplier of raw asbestos or any other manufacturer or distributor of asbestos products pertaining to the alleged hazards of asbestos or asbestos products.

46. Letter of Johns Manville, October 1, 1968 - statement ot manufacturing employers concerning exposure to raw asbestos.

47. Identify all documents, reports or communications received by this Defendant from any supplier of raw asbestos or any other manufacturer or distributor of asbestos products pertaining to the alleged hazards of asbestos or asbestos products.

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47. Letter of Johns Manville, October 1, 1968 - statement to manufacturing employers concerning exposure to raw asbestos.

48. Identify all other documents received by this Defendant where the potential health effects of asbestos have been discussed, including, but not limited to, medical literature, health or industrial hygiene reports, newspaper articles, periodicals, books, communication with health facilities, communications with insurance carriers, communications with other manufacturers or distributors, seminar literature, trade association documents, or reports of any tests, studies or surveillance programs.

48. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

49. Describe your present policy as to in-place asbestos-containing materials in your facilities.

49. No

50. Did you ever conduct any dust studies of any of your asbestos product manufacturing facilities and/or any dust studies relating to the actual use of your product? If so, with respect to each:

a) identify the person or entity who conducted the study and the dates thereof
b) state the complete results of each study
c) identify all documents that refer, reflect, or relate to the study, and the person who has custody thereof
d) explain all actions taken as a result of the study.

50. No

51. Have you or anyone on your behalf ever conducted, sponsored, or contributed financially to any tests, studies or research pertaining to the health consequences of asbestos or asbestos products. If so, with respect to each:

a) identify the person or entity who conducted the test, study or research, and the dates thereof
b) state the complete results of each test or study
c) identify all documents that refer, reflect, or relate to the study, and the person who has custody thereof
d) explain all actions taken as a result of the test, study or research

51. No

52. Did anyone ever make any recommendations and/or suggestions to you pertaining to the alleged risks and hazards associated with the manufacturing or use of products containing asbestos? If so, with respect ot each recommendation or suggestions, state the following:

a) the identity of the person who made the recommendation or the suggestion and the date thereof
b) the identity of the person to whom the recommendation or suggestion was made
c) the substance of the recommendation or suggestion
d) explain all actions taken as the result of the recommendation or suggestion.

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52. No

53. Identify any medical examination or surveillance programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and/or asbestos products. With respect to each such program, please state:

a) the location or locations where such program was in effect
b) the manner of communicating with employees about such program
c) whether examination was mandatory or optinal
d) the percentage of workers permitted to undergo such examination and the percentage of workers who actually participated
e) the identity of each worker who was found to have asbestosis, lung cancer, mesothelioma, lung abnormalities
f) the identity of the person most knowledgeable about the program; and
g) the identity of all documents relating to the program, and the person who has custody therof.

53. None

54. Identify all trade organizations, associations or other entities to which you or your representative have ever been a member of or participated in, including but not limited to Asbestos Textile Industry, Industrial Health Foundation, NIMA, Asbestos Information Association, NICA, TIMA, Quebec Asbestos Mining Association, PICA, QAPA, Asbestos Cement Producers Association, Asbeston Information Association of North America, Gypsum Association, National Safety Council, Mineral Fibers Products Bureau, Sprayed Mineral Fiber Manufacturers Association, perlite Institute, or Vermiculite Institute. With respect to each, stste the following;

a) identify all persons attending any meetings on your behalf, and the years of attendance
b) identify all documents submitted by you or your representative relating to asbestos or any occupational disease;
c) Identify all documents received by you or your representative relating to asbestos or any occupational disease;

54. Resilient Floor Covering Institute - 1940 to present
National Association of Floor Covering Distributors - 1960 to present

a) Jack Clegg - dates unknown
b) None
c) Unknown

55. Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Lake Laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life? If so, state the following;

a) identify all documents relating to Saranca studies received or submitted by you, either directly, through associated or predecessor companies, through other companies, or through any trade associations, organizations or entitles
b) identify all documents summarizing finding or results of those studies or tests which you have in your possession or control
c) identify all communications, oral or written, between answering defendant and Saranca personnel
d) state all recommendations or findings of such studies in relating to:
(1) adequacy or inadequacy of the threshold limit values
(20 the substitution of materials other than asbestos to be used

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e) identify the person who has custody of each document or communication identified in this interrogatory.

55. No

56. Identify all persons who have testifeid on your behalf and all documents presented to or utilized in preparation of testimony before any congressional or state legislative committee or subcommittee, or any federal or state administrative agency, including, but not limited to, the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, or the Environmental Protection Agency, or any other governmental hearing or investigative proceeding on the subjects of biological effects on human life from exposure to asbestos or the setting, modification, feasibility and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products. For each such testimony, please identify:

a) the dates and descriptions of the proceedings

b) the identity of the person who responded or testified and his or her position

c) all studies, test results or other scientific or medical documents relied upon by said person as a basis for any recommendation made or testimony given

d) whether at any time prior to or following such testimony you possessed knowledge of documents suggesting that existing or proposed threshold limit values were not safe or proper or that lower threshold limit values were necessary in order to prevent disease; as to this response, please identify the origin of the knowledge and all documents relating thereto.

56. None

57. Identify each inquiry, complaint, study, investigation, or request for information of or pertaining to any asbestos product by any government body.

57. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

58. Explain your understanding of the terms "threshold limit value" and "dose response relationship".

58. Objection. Question calls for a legal conclusion.

59. Identify every threshold limit value that you contend ever has applied to asbestos and cancer.

59. 29 CFR 1910.1001

60. Explain in detail the best method for determining the airborne concentration of asbestos fibers.

60. Not known

61. State the following with respect to buildings owned or occupied by you:

a) the identity of all facilites where each of the products mentioned in Interrogatories 8 and 9 have been placed since 1950

b) the identity of all facilities where the products referred to in (a) have been removed since 1965 and all reasons therefor

c) the identity of all facilities where the products referred to in (a) have been encapsulated since 1965, and all reasons therefor

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d) the identity of all facilities where samples of any asbestos product have been taken for analysis, the identity of all documents generated thereby, and the identity of the person who has custody of such documents, ans

e) the identity of all facilities where air samples have been taken to determine the concentration of airborne asbestos, the identity of all documents generated thereby, and the identity of the person who has custody of such documents.

61. Kentile objects on the grounds that this interrogatory is overly broad and burdensome, seeks information not relevant to the subject matter of this case, and is not reasonably calculated to lead to the discovery of admissible evidence.

62. Have you or any of your representatives or agents taken, obtained, or been provided with any samples of or visually inspected any materials located in or taken from the Plaintiff's schools? If so, state the following:

a) the identity of each person who participated in the inspection or taking of any samples

b) the location of each sampling and/or inspection site and the date thereof

c) the manner in which inspection was conducted or each sample was taken

d) the manner in which each sample was packaged and identified

e) the purpose for which each inspection was conducted or sample was taken

f) the identity of each person who in any way participated in or conducted any examination, test, analysis, study, or inspection involving said materials or samples

g) the date and location of each and every test, analysis, study or inspection done in connection with said materials or samples

h) the manner and method by which each test, analysis, study or inspection was conducted

i) the complete results of each test, analysis, study or inspection that was conducted on such material or samples, including, but not limited to, the following:

(i) the type and percentage of asbestos in the material
(ii) the identity of all constituents of ingredients in the material
(iii) whether or not the material was consistent with any product manufactured or distributed by you, and if not, all inconsistencies
(iv) whether or not the material was consistent with a product manufactured or distributed by any other entity, and if so, the identity of said entity

j) the identity of each document (including photographs) generated by the aforesaid inspection, samples, examination, testing, and analysis.

62. No

63. Did you or any of your representatives or agents engage in or conduct any air sampling at the Plaintiff's schools? If so, set forth in detail:

a) the identity of each person who participated in the taking of said air samples

b) the date of each air sampling operation and the location of each air sampling site

c) the precise manner in which each air sample was obtained

d) a full description of all equipment utilized to conduct the aforesaid air sampling including the name of the manufacturer of all such equipment, the model name and number of all such equipment, the names of

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d) all persons responsible for calibrating said equipment, the dates during the last 12 months that the accuracy of such equipment was tested and certified

e) the purpose for which the air samples were taken

f) the results of each air sampling conducted by defendant

g) if the results of such air sampling were reduced to written form, attach a copy of all such writing hereto.

63. No

64. Explain in detail any opinions formed as a result of your inspection and/or sampling at the Plaintiff's schools, including, but not limited to, any conclusions as to whether or not any actual or potential health hazard existed, the adversity of any abatement action, and if so, the particular types suitable, and the advisability of any operations and maintenance programs.

64. Not applicable

65. Identify all indices for documents submect to the Plaintiff's Requests to Produce, or documents referred to in these interrogatories, or documents gathered in connection with any asbestos litigation.

65. None

66. List and identify each person whom you expect to call as an expert witness at trial, and with respect to each, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected ot testify and a summary of the grounds for each opinion.

66. Not known

67. List and identify every document which you contemplate that you might use at trial.

67. Not known

_____
KENTILE FLOORS, INC.

STATE OF _____
COUNTY OF _____

On the _____ day of _____, 1986 before me appeared the undersigned,

_____, known by me to be the person who answered the foregoing interrogatories and who gave oath that the anwers to the same are true to the best of his knowledge and belief.

_____
NOTARY PUBLIC

S. DAVID McNEILL P17544
3250 W. Big Beaver Rd., Ste. 303
Troy, MI 48084
(313) 643-7460

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KENTILE FLOORS INC

WARNING. EXISTING RESILIENT FLOORING MAY CONTAIN ASBESTOS FIBERS. THESE FIBERS ARE LOCKED INTO PLACE. HOWEVER, SANDING OF RESILIENT FLOORING, BACKING OR LINING FELT CAN RELEASE ASBESTOS FIBERS INTO THE AIR. INHALATION OF ASBESTOS DUST MAY BE INJURIOUS TO YOUR HEALTH. THEREFORE, DO NOT SAND RESILIENT FLOORING, BACKING, OR LINING FELT.

CANADIAN Johns-Manville Asbestos LIMITED

ASBESTOS FIBRE DIVISION

P.O. BOX 1500 – ASBESTOS, QUEBEC – TELEPHONE 879-5431

October 1st, 1968.

Gentlemen:

You will notice that beginning shortly each bag of chrysotile asbestos fibre shipped by this Company will carry a label reading as follows--

CAUTION

"This bag contains chrysotile asbestos fibre. Persons exposed to this material should use adequate protective devices as inhalation of this material over long periods may be harmful."

The label is intended to remind all industrial users of asbestos that proper handling will contribute to improved conditions in work areas.

Physical protection for employees is provided through the use of safety hats, shoes, glasses, and other devices when circumstances warrant. Health protection is just as important and should include appropriate practices and equipment such as collectors, ventilators, masks, etc., to prevent inhalation of fumes and particulate matter.

As you know, in the past several years there has been increasing publicity and medical attention given to health effects of inhaling industrial dust and fumes of all kinds. Some studies have raised the question whether adequate control measures are being taken in certain industrial operations to prevent the inhalation of asbestos particles. Other studies have shown that where proper protective measures are taken, occupational health risks are minimized.

/ continued

SP460272

Medical research on health questions relating to asbestos is being sponsored by Johns-Manville, the Quebec Asbestos Mining Association, and several other organizations. Such research will lead to a better understanding and control of health hazards associated with inhalation of asbestos particles.

Until more concrete information is available from the abovementioned research, we have concluded that it is in the best interest of all concerned that we place the above label on bags containing asbestos to encourage careful handling of the fibre.

If you have any questions, we would be pleased to hear from you.

Yours very truly,

N. W. HENDRY,
General Sales Manager.

NWH / oh

BP460273

KENTILE®
FASHIONS in FLOORS

SP460275

# KENTILE FLOORS Inc.

58 Second Avenue, Brooklyn, N Y 11215

Telephone (718) 768-9500


April 21, 1986

Ms. Sharon A. Kalina
Finley, Kumble, Wagner, Heine,
Underberg, Manley & Casey
425 Park Ave.
New York, NY 10022

Re: Michigan School District Cases

Dear Sharon:

Per your recent request, attached please find answers to questions 8 a, b, c, d and f and 19 a, b, c and d.

Very truly yours,

MICH.

nda Gawel
surance Manager

LG:lc.

4/21/86

cc: J. E. Loff
E. M. Suri
R. L. Vandenberg

April 21, 1986

Michigan School District Cases

Interrogatories

8a. Resilient Floor Tile & Vinyl Sheet Flooring

b. RFT - Dec. 1906
VSF - Dec. 1966

c. RFT Currently being produced
VSF - Sept. 1969

d. RFT Currently being sold
VSF - Dec. 1969

f. (i) RFT - Brooklyn, NJ 1906

(ii) RFT - Chicago, IL 1949

(iii) RFT - Torrance, CA 1959 - 1977

(iiii) VSF - So. Plainfield, NJ 1966 - 1969

19a. Sales Districts #43 and #44

b. None

c. Unknown products sold through wholesale distributors

d. Authorized distributors

Great Lakes Sales, Inc. 7/26/63 to Present
4203 Roger B Chaffee Memorial Dr. S.E.
Grand Rapids, Mich. 49509

Royal Carpet Distributors 8/18/75 to Present
20750 Hoover Rd.
Warren, Mich. 48089

H. J. Oldenkamp Co. 12/23/76 to Present
2305 E. Genessee
Saginaw, Mich. 48601

H. J. Oldenkamp Co. 12/23/76 to Present
4669 E. Eight Mile Rd.
Warren, Mich. 48091

4-17-86

Michigan School Dist. Interr

| | | |
|---|---|---|
| 8 a | Resilient Floor Tile | Vinyl Sheet Floori |
| b | Dec 1906 | Dec 1966 |
| c | Currently being produced | Sept 1969 |
| d | Currently being sold | Dec 1969 |
| f | Brooklyn, N.Y. 1906 ⇒<br>Chicago, Il. 1949 ⇒<br>Torrance, Ca. 1959 ⇒ 1977 | So. Plfld. N.J 1966-19 |

SP100728

F.G. Per your Request 4/18/96

Michigan School District Claims

Question 19

A) Sales Districts #43 and #44

B) None

C) Unknown Products sold Through Wholesale Distributo

D) Authorized Distributors

Great Lakes Sales Inc. 7/26/03 to Present.
4203 Roger B Chaffee Memorial Drive S.E.,
Grand Rapids Mich. 49509

Royal Carpet Distributors 8/18/75 to Present
20750 Hoover Rd., Warren, Michigan 48089

H.J. Olden Kamp Co. 12/23/76 to Present.
2305 E. Genessee Saginaw, Mich. 48689

H.J. Olden Kamp Co. 12/23/76 to Present.