

BRAYTON & ASSOC

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SHIELD & SMITH
J. LAWRENCE JUDY
ROBERT J. RYAN
580 California Street, Suite 1400
San Francisco, California 94104
(415) 362-5116

Attorneys for Defendant
CERTAINTEED CORPORATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN RE: COMPLEX ASBESTOS
LITIGATION

No. 607734-9

IN RE: SHIPYARD AND
APPLICATOR ASBESTOS CASES
(CONSOLIDATED FOR DISCOVERY)

No. 537868-7

CERTAINTEED CORPORATION'S
AMENDED RESPONSES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO ALL
DEFENDANTS

PROPOUNDING PARTY: Plaintiffs
RESPONDING PARTY: Defendant, CERTAINTEED CORPORATION
SET NUMBER: ONE (1)

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

COMES NOW, defendant CertainTeed Corporation, and hereby
amends and supplements its response to Plaintiffs First Set of
Interrogatories to All Defendants in and for the County of
Alameda, as follows:

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PREFATORY STATEMENT

Pursuant to Section 2030 of the California Code of Civil Procedure, defendant CertainTeed Corporation (hereinafter "defendant") hereby responds to plaintiff's interrogatories without conceding, in any fashion, that any of the interrogatories request information which is either relevant or admissible as evidence in this action.

Furthermore, defendant has not completed its investigation of the facts relating to this case and has not completed its preparation for trial. As such, defendant's response to the interrogatories propounded by plaintiff is given without prejudice to defendant's right to produce evidence of any and all subsequently discovered facts and/or documents and to rely on any and all subsequently discovered facts and/or documents at the time of trial or at any other time.

GENERAL OBJECTIONS

A. Defendant objects to the interrogatories to the extent that they request information and the identification of documents which are protected by any privilege, including but not limited to the attorney-client privilege, the joint-defense privilege, and/or the work-product doctrine, and defendant and its counsel hereby asserts such privileges.

B. The information sought by many of the interrogatories is so remote in time so as to be of little or no value to plaintiff. Indeed, the interrogatories seek information created many years ago. As requested, the interrogatories will be burdensome, oppressive, and harassing to defendant with little

1 or no benefit flowing to plaintiff. Notwithstanding the
2 foregoing, defendant will attempt to respond to plaintiff's
3 interrogatories, subject to the other applicable objections set
4 forth herein, as fully as possible.

5 C. Plaintiff's unreasonable delay in serving these
6 interrogatories and commencing litigation against defendant has
7 prejudiced defendant's ability to respond to this litigation, in
8 general, and these interrogatories, in particular.
9 Notwithstanding the foregoing, defendant will attempt to respond
10 to plaintiff's interrogatories, subject to the other applicable
11 objections set forth herein, as fully as possible.

12 D. Defendant will make reasonable efforts to respond
13 to each interrogatory, to the extent that it has not been
14 objected to, as defendant understands and interprets the
15 interrogatory. If plaintiff subsequently asserts an
16 interpretation of any interrogatory which differs from that of
17 defendant, defendant reserves its right to supplement its
18 responses accordingly.

19 E. Defendant hereby objects to the definitions of
20 plaintiff insofar as they are oppressive, overly broad, and
21 burdensome, and insofar as they are vague and ambiguous.
22 Defendant also objects to the inclusion of conjunctive or
23 disjunctive definitions as in contravention of Section 2030(f)(5)
24 of the California Code of Civil Procedure.

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1 INTERROGATORIES AND SPECIFIC SUPPLEMENTAL RESPONSES

2 INTERROGATORY NO. 10:

3 Has THIS DEFENDANT engaged in the MARKETING of ASBESTOS-
4 CONTAINING PRODUCTS comprised in whole or in part of crocidolite
5 asbestos fiber; if so, please state:

6 a. the trade, brand name and/or generic name of each
7 type of product;

8 b. the date(s) THIS DEFENDANT first MARKETed each type
9 of product;

10 c. the date(s) THIS DEFENDANT ceased MARKETING each
11 type of product;

12 d. a general description of the chemical composition
13 of each type of product, including:

14 (i) the type(s) and grade(s) of asbestos fiber
15 contained in each type of product;

16 (ii) the quantitative percentage of the types of
17 fiber in each type of product;

18 (iii) any change(s) in the quantitative percentages
19 of the type(s) of asbestos fiber in each type of product;

20 e. the NATURE of each type of product;

21 f. a description of any wording, markings, and/or logo
22 on each type of product;

23 g. the recommended use(s) of each type of product,
24 including temperature limits;

25 h. the name of the manufacturer of each type of
26 product;

27 i. the name(s) and address(es) of the supplier(s) of
28 the crocidolite asbestos fiber used in each type of product;

29 j. the IDENTITY of the person(s) most knowledgeable
30 concerning the purchase of crocidolite asbestos fiber by THIS
31 DEFENDANT.

32 RESPONSE TO INTERROGATORY NO. 10:

33 Subject to the aforementioned general objections, and
34 notwithstanding defendant's previous response to this
35 interrogatory, of the products listed in defendant's previous
36 response, only Asbestos-Cement Pipe (item 17) contained
37 crocidolite fiber.

38 INTERROGATORY NO. 12::

39 Does or did THIS DEFENDANT have a controlling ownership
40 interest in any COMPANY which MARKETed ASBESTOS-CONTAINING
41 PRODUCT(S); if so, please state:

42 a. the name of such COMPANY;

43 b. the date of incorporation of such COMPANY;

44 c. the state of incorporation of such COMPANY;

45 d. the date such interest was acquired;

1 e. the date such interest was changed or terminated,
2 if applicable;

3 f. the name and location of each facility of such
4 COMPANY;

5 g. the name of each type of ASBESTOS-CONTAINING
6 PRODUCT(S) manufactured, processed, and/or assembled by such
7 COMPANY.

8 RESPONSE TO INTERROGATORY NO. 12:

9 Subject to the aforementioned general objections, and
10 notwithstanding the information furnished previously in response
11 to this interrogatory concerning Keasbey & Mattison and the
12 Gustin-Bacon Manufacturing Company, defendant never had a
13 controlling ownership interest in either company or any other
14 company which marketed asbestos-containing products.

15 The incorporation dates of Keasbey & Mattison and the
16 Gustin-Bacon Manufacturing Company are unknown. Gustin-Bacon
17 Manufacturing Company was incorporated in Delaware. The state of
18 Incorporation of Keasbey & Mattison is unknown. The asbestos-
19 cement pipe plants acquired from Keasbey & Mattison were located
20 in Ambler, Pennsylvania; St. Louis, Missouri; Hillsboro, Texas;
21 and Santa Clara, California. The plant acquired from Gustin-
22 Bacon at which specialty railroad insulation products were made
23 was located in Kansas City, Kansas.

24 INTERROGATORY NO. 16:

25 If THIS DEFENDANT owned or operated facilities in which
26 ASBESTOS-CONTAINING PRODUCT(S) have been manufactured, processed
27 and/or assembled, please state:

28 a. the date said facilities began operation;
29 b. the date said facility ceased operation; and
30 c. the name of each type of ASBESTOS-CONTAINING
31 PRODUCT manufactured, processed or assembled at each such
32 facility.

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1 RESPONSE TO INTERROGATORY NO. 16:

2 Subject to the aforementioned general objections, and
3 notwithstanding defendant's previous response to this
4 interrogatory, the facilities commenced operation as follows:

5 Asbestos Cement Pipe:

6	Ambler, Pennsylvania	1938
7	St. Louis, Missouri	1938
8	Hillsboro, Texas	1961
9	Santa Clara, California	1953
10	Riverside, California	1965

11 Specialty Insulation Products for Railroad Industry:

12	Kansas City, Kansas	1943
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13 CertainTeed Roofing Products:

14	Avery, Ohio	1972
15	Chicago Heights, Illinois	1931
16	Dallas, Texas	1946
17	East St. Louis, Illinois	1901
18	Kansas City, Missouri	1901
19	Marseilles, Illinois	Unknown
20	Minneapolis, Minnesota	1934
21	Niagara Falls, New York	Unknown
22	Oxford, North Carolina	1979
23	Richmond, California	1915
24	Savannah, Georgia	1930
25	Shakopee, Minnesota	1974
26	Tacoma, Washington	1955
27	York, Pennsylvania	1916

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1 INTERROGATORY NO. 17:

2 Has THIS DEFENDANT purchased or otherwise acquired any
3 rights to the manufacture of ASBESTOS-CONTAINING PRODUCT(S) from
4 another COMPANY? If so, state:
5 a. the date of purchase of acquisition of such rights;
6 b. the trade, brand, and/or generic name of such
7 ASBESTOS-CONTAINING PRODUCT(S);
8 c. the name and location of any COMPANY from which
9 such rights were purchased or acquired;
10 d. the IDENTITY of the custodian of records of such
11 purchase(s) or acquisition(s).

12 RESPONSE TO INTERROGATORY NO. 17:

13 Subject to the aforementioned general objections, and
14 notwithstanding defendant's previous response to this
15 interrogatory, defendant responds as follows:

16 d. Curtis M. Pontz, Assistant Secretary and Senior
17 Counsel, CertainTeed Corporation, 750 E. Sweedsford Road, Valley
18 Forge, PA 19482.

19 INTERROGATORY NO. 18:

20 Has THIS DEFENDANT applied for and/or received any
21 patent(s) for any ASBESTOS-CONTAINING PRODUCT(S)? If so, state
22 for each such ASBESTOS-CONTAINING PRODUCT:
23 a. the product for which each patent was applied
24 and/or issued;
25 b. the date(s) of application;
26 c. the date(s) of issuance of the patent(s), if
27 granted;
28 d. the date(s) of renewal, if any;
29 e. the patent number(s);
30 f. the name of the individual or COMPANY to whom each
31 patent was issued;
32 g. the IDENTITY of the custodian of patent records of
33 THIS DEFENDANT.

34 RESPONSE TO INTERROGATORY NO. 18:

35 Subject to the aforementioned general objections, and
36 notwithstanding defendant's previous response to this
37 interrogatory, defendant responds as follows:

38 b. January 29, 1960;

- 1 d. None;
2 f. Certain-teed Products Corporation
3 g. Gilda Saporta, Director of Patents and Trademarks,
4 CertainTeed Corporation, 750 E. Sweedsford Road, Valley Forge, PA
5 19482.

6 INTERROGATORY NO. 22:

- 7 Does THIS DEFENDANT have any records of the MARKETing,
8 advertisement, or delivery of its RAW ASBESTOS FIBER and/or
9 ASBESTOS-CONTAINING PRODUCT(S) in or to NORTHERN CALIFORNIA? If
10 so, state:
11 a. the manner in which the records are kept, (e.g., in
12 boxes, files, on microfilm, microfiche or computer tape or disk);
13 b. the location(s) and address(es) where such records
14 are maintained;
15 c. the IDENTITY of the custodian of such records.

16 RESPONSE TO INTERROGATORY NO. 22:

17 Subject to the aforementioned general objections, and
18 notwithstanding defendant's previous response to this
19 interrogatory, defendant responds as follows:

20 b. The precise address of the location at which the
21 records reside is: (i) CertainTeed Pipe & Plastics Group,
22 CertainTeed Corporation, 750 E. Sweedsford Road, Valley Forge, PA
23 19482; and (ii) Lavecque Technical Center, 1400 Union Meeting
24 Road, Blue Bell, Pennsylvania.

25 c. Custodian of Roofing Records is: Harry Owens,
26 Shelter Materials Group, CertainTeed Corporation, 750 E.
27 Sweedsford Road, Valley Forge, PA 19482; and

28 Custodian of Pipe Records is: Sue Thompson, Pipe &
29 Plastics Group, CertainTeed Corporation, 750 E. Sweedsford Road,
30 Valley Forge, PA 19482.

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1 INTERROGATORY NO. 23:

2 If THIS DEFENDANT has in its possession any records of
3 the MARKETING, advertisement, or delivery of its RAW ASBESTOS
4 FIBER and/or ASBESTOS-CONTAINING PRODUCTS (including microfilm,
5 microfiche, computer or tape disk, or any other system in which
6 data is taken from other records), state whether THIS DEFENDANT
7 has retained the original DOCUMENTS from which the data entered
8 into these modes of storage was obtained. If THIS DEFENDANT has
9 not retained such original DOCUMENTS, state:

- 10 a. the date(s) when and location(s) where the original
11 DOCUMENTS were disposed of;
12 b. the IDENTITY of the custodian of the original
13 DOCUMENTS at the time of their disposal;
14

15 RESPONSE TO INTERROGATORY NO. 23:

16 Subject to the aforementioned general objections, and
17 notwithstanding defendant's previous response to this
18 interrogatory, to the extent that CertainTeed has not retained
19 original documents of the sort which originally contained the
20 information requested in Interrogatory No. 22, defendant does not
21 know when or where the originals were disposed of or their
22 custodian at the time of disposal.

23 INTERROGATORY NO. 24:

24 Does THIS DEFENDANT have in its possession any
25 exemplar(s) of advertisements or brochures describing its RAW
26 ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCTS; if so, please
27 state:

- 28 a. the location of each exemplar;
b. the year(s) in which said exemplar(s) was utilized;
c. the IDENTITY of the custodian of such exemplars.

29 RESPONSE TO INTERROGATORY NO. 24:

30 Subject to the aforementioned general objections, and
31 notwithstanding defendant's previous response to this
32 interrogatory, defendant responds as follows: The custodian of
33 any materials in defendant's possession is Curtis M. Pontz,
34 Assistant Secretary and Senior Counsel, CertainTeed Corporation,
35 750 E. Sweedsford Road, Valley Forge, PA 19482.

1 CertainTeed has no log or registry which would enable it
2 to determine the years in which any such materials were utilized.

3 INTERROGATORY NO. 26:

4 Describe the packaging or containers in which THIS
5 DEFENDANT sold and/or distributed RAW ASBESTOS FIBER, including
6 composition, dimension, shape and color.

6 RESPONSE TO INTERROGATORY NO. 26:

7 Subject to the aforementioned general objections,
8 defendant did not sell and/or distribute raw asbestos fiber.

9 INTERROGATORY NO. 27:

10 Describe any logo, design, marking or printing,
11 including size and color, which appeared on the packaging or
12 containers in which THIS DEFENDANT sold and/or distributed RAW
13 ASBESTOS FIBER.

13 RESPONSE TO INTERROGATORY NO. 27:

14 Subject to the aforementioned general objections, and
15 notwithstanding defendant's previous response to this
16 interrogatory, defendant did not sell and/or distribute raw
17 asbestos fiber.

18 INTERROGATORY NO. 29:

19 Describe any logo, design, marking or printing,
20 including size and color, which appeared on the packaging or
21 containers in which THIS DEFENDANT sold and/or distributed
22 ASBESTOS-CONTAINING PRODUCTS.

22 RESPONSE TO INTERROGATORY NO. 29:

23 Subject to the aforementioned general objections, and
24 notwithstanding defendant's previous response to this
25 interrogatory, at some unknown point in time, defendant commenced
26 to affix its logo (C and T with the stem of the T inserted
27 sideways into the C) to the containers in which its roof coatings
28 and cements were packaged. No other specific information

1 pertaining to product packaging or containers is presently
2 available.

3 INTERROGATORY NO. 30:

4 Does THIS DEFENDANT have any exemplar(s) of packaging or
5 containers in which its RAW ASBESTOS FIBER and/or ASBESTOS-
CONTAINING PRODUCT(S) were sold and/or distributed; If so, state:
6 a. the location of each exemplar;
7 b. the year(s) in which said exemplar(s) was utilized;
c. the IDENTITY of the custodian of such exemplars.

8 RESPONSE TO INTERROGATORY NO. 30:

9 Subject to the aforementioned general objections, and
10 notwithstanding defendant's previous response to this
11 interrogatory, defendant responds as follows: No.

12 INTERROGATORY NO. 31:

13 Did THIS DEFENDANT put warnings of asbestos-related
14 health hazards on bags of RAW ASBESTOS FIBER; if so, please
state:
15 a. the wording of such warning(s), including size,
location, and color;
16 b. whether the warning was put on a tag attached to
the bags;
17 c. the date such warning(s) was first used;
18 d. whether any change was made in the wording of such
warnings, the date(s) of such change, and the reasons for such
change.

19 RESPONSE TO INTERROGATORY NO. 31:

20 Subject to the aforementioned general objections,
21 defendant responds as follows: No.

22 INTERROGATORY NO. 32:

23 Did THIS DEFENDANT put warnings of asbestos-related
24 health hazards on the packaging or containers of ASBESTOS-
CONTAINING PRODUCT(S); If so, please state:
25 a. the wording of such warning(s), including size,
location on the packaging or containers, and color;
26 b. the date such warning(s) was first used;
27 c. whether any change was made in the wording of such
warning(s), the date(s) of such change, and the reason(s) for
such change.

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1 RESPONSE TO INTERROGATORY NO. 32:

2 Subject to the aforementioned general objections, and
3 notwithstanding defendant's previous response to this
4 interrogatory, defendant responds as follows:

5 a. The warning is placed on the unmachined portion of
6 pipe (quarter lengths and larger) at or near the end of the pipe,
7 is in black print over white background, approximately 2-7/8" x
8 3".

9 d. The wording was changed in 1985 in order to provide
10 additional explanation of the potential hazard.

11 INTERROGATORY NO. 33:

12 Has THIS DEFENDANT distributed any brochures or
13 pamphlets that contain warnings of any asbestos-related health
14 hazards; if so, please state:

15 a. the wording of such warning;
16 b. the method used to distribute such brochures or
17 pamphlets;

18 c. the date(s) such brochures or pamphlets were first
19 issued;

20 d. whether THIS DEFENDANT has exemplar(s) of such
21 brochures or pamphlets;

22 e. the IDENTITY of the custodian of such exemplar(s).

23 RESPONSE TO INTERROGATORY NO. 33:

24 Subject to the aforementioned general objections, and
25 notwithstanding defendant's previous response to this
26 interrogatory, defendant responds as follows:

27 c. Dates of publication are supplied on Exhibit "A" to
28 defendant's previous responses to plaintiff's first set of
interrogatories.

INTERROGATORY NO. 36:

 Has any employee of THIS DEFENDANT testified by
deposition on behalf of THIS DEFENDANT in a third-party case,
brought in the United States, wherein the plaintiff has alleged
an asbestos-related injury? If so, for each such third party

1 case, please state:

- 2 a. the caption and case number;
- 3 b. the court of filing including state and county;
- 4 c. the date of the deposition;
- 5 d. the name and address of plaintiff's counsel of
- 6 record.

7 RESPONSE TO INTERROGATORY NO. 36:

8 Subject to the aforementioned general objections, and
9 notwithstanding defendant's previous response to this
10 interrogatory, defendant responds as follows:

- 11 d. With respect to the name and address of plaintiff's
- 12 counsel, Exhibit "B" to defendant's previous responses to
- 13 plaintiff's first set of interrogatories sets forth case name,
- 14 court, and docket number as well as deposition date. Propounding
- 15 party can just as easily as this defendant establish the identity
- 16 of plaintiff's counsel.

17 INTERROGATORY NO. 37:

18 Has THIS DEFENDANT been a member of the following:

- 19 a. Asbestos Textile Institute (ATI);
- 20 b. Industrial Hygiene Foundation and/or Industrial
- 21 Health Foundation (IHF);
- 22 c. Mineral Wool Institute;
- 23 d. Industrial Mineral Insulation Manufacturers
- 24 Institute;
- 25 e. Magnesia Silica Insulation Manufacturers
- 26 Association;
- 27 f. National Insulation Manufacturers Association
- 28 (NIMA);
- g. Thermal Insulation Manufacturers Association
- (TIMA);
- h. Asbestos Information Association (AIA);
- i. Quebec Asbestos Mining Association (QAMA);
- j. National Safety Council;
- k. Asbestos Cement Producers Association;
- l. Refractories Institute;
- m. any other organizations or associations of
- manufacturers, miners, distributors, importers, labellers,
- suppliers, and/or sellers of ASBESTOS-CONTAINING PRODUCTS;
- (i) please state the name(s) of such organizations
- or associations.

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1 RESPONSE TO INTERROGATORY NO. 37:

2 CertainTeed Corporation withdraws its objection to this
3 interrogatory on the basis that it is oppressive, overly broad,
4 and burdensome all out of proportion to any possible discovery
5 value.

6 INTERROGATORY NO. 38:

7 For each organization, association or other entity
8 identified in your Response to Interrogatory No. 37, please
9 state:

- 10 a. the dates during which THIS DEFENDANT was a member;
11 b. the name(s) of any publication(s) received by THIS
12 DEFENDANT from such association or organization.
13 c. the name of such committee or subcommittee of which
14 THIS DEFENDANT was a member, and the dates of such committee or
15 subcommittee membership.

16 RESPONSE TO INTERROGATORY NO. 38:

17 CertainTeed Corporation withdraws its objection to this
18 interrogatory on the basis that it is oppressive, overly broad,
19 and burdensome all out of proportion to any possible discovery
20 value.

21 INTERROGATORY NO. 40:

22 State whether THIS DEFENDANT has ever maintained a
23 library (or libraries) in the United States which contains books,
24 articles, periodicals, journals and/or reference materials that
25 relate to the subjects of asbestos, industrial hygiene, medicine,
26 safety, occupational disease and/or engineering. If so, state:

- 27 a. the date each such library was established;
28 b. the location of each such library;
29 c. the IDENTITY of each librarian or other person in
30 charge of such library.

31 RESPONSE TO INTERROGATORY NO. 40:

32 Subject to the aforementioned general objections, and
33 notwithstanding defendant's previous response to this
34 interrogatory, defendant responds as follows:

- 35 b. The address of the Blue Bell facility is 1400 Union
36 Meeting Road, Blue Bell, Pennsylvania.

1 c. Karola Rac is in charge of the library.

2 INTERROGATORY NO. 42:

3 Has any employee of THIS DEFENDANT testified before the
4 Occupational Safety and Health Administration, the National
Institute of Occupational Safety and Health, or any committee or

5 subcommittee of the United States Congress on the inhalation of
6 asbestos dust and the development of disease; if so, please
state:

- 7 a. the entity before whom such testimony was given;
8 b. the date(s) and location(s) of such testimony;
9 c. the IDENTITY of the individual(s) who so testified;
10 d. whether any DOCUMENTS were presented to the entity
before which testimony was given;
11 e. whether copies of DOCUMENTS presented were retained
by THIS DEFENDANT;
(i) if so, state the IDENTITY of the custodian of
the DOCUMENT(S).

12 RESPONSE TO INTERROGATORY NO. 42:

13 Subject to the aforementioned general objections, and
14 notwithstanding defendant's previous response to this
15 interrogatory, Mr. McGinley recalls that he testified in
16 Washington, D.C. in what he believes was the spring of 1984, but
17 he does not recall either the exact location or date. He does
18 not have a copy of his testimony. No documents were presented to
19 OSHA.

20 INTERROGATORY NO. 43:

21 At any of the physical facilities identified in the
22 Response to Interrogatory No. 15, has THIS DEFENDANT conducted,
or caused to be conducted, tests and/or studies of ambient
23 asbestos dust created during the manufacture, processing and/or
assembling of ASBESTOS-CONTAINING PRODUCT(S); if so, please
24 state:

- 25 a. each manufacturing facility, including location and
address; at which any such test and/or study was conducted;
26 b. the date of each such test and/or study;
c. the individual(s) or entity conducting each such
27 test and/or study;
d. whether THIS DEFENDANT has any documents containing
the results and/or conclusions of each such study;
28 e. the IDENTITY of the custodian of the documents.

1 RESPONSE TO INTERROGATORY NO. 43:

2 Subject to the aforementioned general objections, the
3 person who is the custodian of the sampling results on file in
4 the Health and Safety Department is Janis Woodson, CertainTeed
5 Corporation, 750 E. Sweedsford Road, Valley Forge, PA 19482.

6 INTERROGATORY NO. 51:

7 Has any person filed a claim for asbestos-related injury
8 regarding THIS DEFENDANT against any workers' compensation
9 insurance carrier which provided coverage for THIS DEFENDANT; if
10 so, please state:

- 11 a. the date of such claim;
- 12 b. the name of claimant;
- 13 c. the caption;
- 14 d. the case number;
- 15 e. the court in which the claim was filed;
- 16 f. the IDENTITY of the custodian of such documents.

17 RESPONSE TO INTERROGATORY NO. 51:

18 Subject to the aforementioned general objections, and
19 notwithstanding defendant's previous response to this
20 interrogatory, defendant cannot further respond to this
21 interrogatory because it cannot break down the workers'
22 compensation claims brought against it over the years by type of
23 injury or type of claim asserted.

24 INTERROGATORY NO. 53:

25 Does THIS DEFENDANT have insurance available to cover
26 judgment(s) entered against it in asbestos-related personal
27 injury lawsuits; if so, please state:

- 28 a. the name and principal place of business of any
insurance carrier who has issued such policy of insurance;
- b. the number and effective date of each policy;
- c. the amount(s) of coverage of each policy;
- d. the applicable dates of coverage;
- e. any reservation of rights contained in each such
policy;
- f. the amount of coverage presently exhausted under
each such policy;
- g. the amount of coverage presently available under
each such policy;
- h. whether limits contained in each such policy
include costs of defense.

1 RESPONSE TO INTERROGATORY NO. 53:

2 a. CertainTeed is not obligated to research principal
3 place of business of each insurance carrier listed on Exhibit "C"
4 to the responses to interrogatories as that information is a
5 matter of public record, and equally available to plaintiffs.
6 Additionally, CertainTeed is not obligated to perform legal
7 research as to the "Principal Place of Business" of any insurance
8 carrier. This information would best be obtained from the
9 carrier(s) itself.

10 f. Subject to the aforementioned general objections,
11 and notwithstanding defendant's previous response to this
12 interrogatory, defendant responds as follows: This information
13 is not currently available in any log or compilation.
14 Additionally, CertainTeed, as a member of the Center for Claims
15 Resolution, has entered into an agreement whereby this
16 interrogatory and its sub-parts are irrelevant, and not
17 calculated to lead to admissible evidence.

18 g. Subject to the aforementioned general objections,
19 and notwithstanding defendant's previous response to this
20 interrogatory, defendant responds as follows: This information
21 is not currently available in any log or compilation.
22 Additionally, CertainTeed, as a member of the Center for Claims
23 Resolution, has entered into an agreement whereby this
24 interrogatory and its sub-parts are irrelevant, and not
25 calculated to lead to admissible evidence.

26 h. Subject to the aforementioned general objections,
27 and notwithstanding defendant's previous response to this
28 interrogatory, defendant responds as follows: This information

1 is not currently available in any log or compilation.
2 Additionally, CertainTeed, as a member of the Center for Claims
3 Resolution, has entered into an agreement whereby this
4 interrogatory and its sub-parts are irrelevant, and not
5 calculated to lead to admissable evidence.

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7 DATED: April 2, 1990

SHIELD & SMITH
J. LAWRENCE JUDY
ROBERT J. RYAN

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By: 

ROBERT J. RYAN
Attorneys for Defendant
CERTAINTEED CORPORATION

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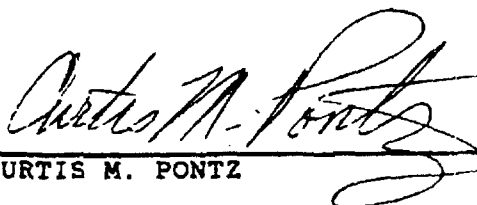
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VERIFICATION

I am Assistant Secretary and Senior Counsel of CertainTeed Corporation, a defendant in this action, and have been authorized to make this Verification on their behalf. The attached document is true of my own knowledge, except the matters that are stated therein on information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.


CURTIS M. PONTZ

DATED:

February 22, 1990

(PROOF OF SERVICE BY MAIL -- 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

I am employed in the aforesaid county; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 580 California Street, Suite 1400, San Francisco, California 94104.

On April 2, 1990, I served the within:

CERTAINTED CORPORATION'S AMENDED RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES TO ALL DEFENDANTS

on the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Kevin C. Coleman, Esq.
BRAYTON & ASSOCIATES
999 Grant Avenue
P. O. Box 2109
Novato, CA 94948

I placed each such envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Shield & Smith, San Francisco, California, following ordinary business practices. I am readily familiar with the practice of Shield & Smith for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

Executed on April 2, 1990 at San Francisco, California.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


EILEEN S. WRIGHT