

FILE NAME: Mannington Mills (MM)

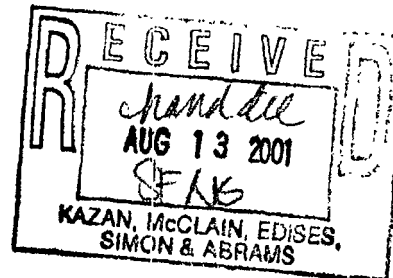
DATE: 2001 Aug 13

DOC#: MM006

DOCUMENT DESCRIPTION: Legal - Defendant Tarkett, Inc.'s Responses to Plaintiff's Interrogatories (Set One)

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6 **TARKETT, INC.**



7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF ALAMEDA**

9 TYSON BIRON and PAULA BIRON	)	CASE NO. 815610-1
10 Plaintiffs,	)	(CONSOLIDATED WITH CASE NO.
11 vs.	)	822323-6)
12 OWENS CORNING, et al.,	)	DEFENDANT TARKETT, INC.'S
13 Defendants.	)	RESPONSES TO PLAINTIFFS'
	)	INTERROGATORIES
	)	(SET ONE)

14
15 **PROPOUNDING PARTY: PLAINTIFFS TYSON BIRON and PAULA BIRON**
16 **RESPONDING PARTY: DEFENDANT TARKETT, INC.**
17 **SET NUMBER: ONE**

18 TARKETT, INC. ("TARKETT") hereby responds to Plaintiff's Interrogatories to Defendant
19 ("the Interrogatories") only pursuant to, under the protection of and to the extent that such requests
20 comply with the California Rules of Civil Procedure, as follows:

21 **PRELIMINARY STATEMENT**

22 These responses are made solely for the purpose of this action. Each response is subject to
23 the provisions of the County of Alameda General Orders and all appropriate objections (including,
24 but not limited to, objections as to confidentiality, relevancy, propriety and admissibility) which
25 require the exclusion of any statement contained herein if the Interrogatory were answered by a
26 witness present and testifying in court. All such objections and grounds are reserved and may be
27 interposed at the time of the trial.

28 TARKETT's discovery and investigation of this matter are incomplete. Medical and other

1 **RESPONSE TO INTERROGATORY NO. 27:**

2 Subject to the preliminary statement, Tarkett objects to these interrogatories in their entirety
3 and this interrogatory specifically on the grounds that the defined term "DEFENDANT" is overly
4 broad, vague, ambiguous, confusing, argumentative and factually and legally erroneous, and that such
5 definition seeks to exceed the scope of permissible discovery. Tarkett further objects to these
6 interrogatories in their entirety and this interrogatory specifically on the grounds that the defined
7 terms "MANUFACTUR(ED)," "ASBESTOS-CONTAINING," and "FLOORING PRODUCTS" are
8 vague, ambiguous, confusing, overly broad, unduly burdensome and not reasonably calculated to lead
9 to the discovery of relevant evidence. Subject to and without waiver of these and its general
10 objections and its preliminary statement, Tarkett responds as follows: From September 28, 1981 until
11 December 1982, Tarkett manufactured felt materials that contained asbestos, which were sold to
12 Mannington Mills. This felt was also used in the manufacturing process for certain sheet vinyl
13 products from September 28, 1981 until approximately February 1982. The sheet vinyl product was
14 manufactured under the brand name Gafstar. Tarkett also manufactured non-asbestos sheet vinyl
15 which sold under the Gafstar brand name.
16

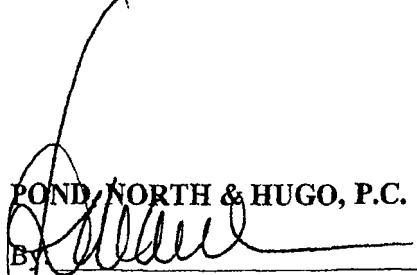
17 **RESPONSE TO INTERROGATORY NO. 28:**

18 Subject to the preliminary statement, Tarkett objects to these interrogatories in their entirety
19 and this interrogatory specifically on the grounds that the defined term "DEFENDANT" is overly
20 broad, vague, ambiguous, confusing, argumentative and factually and legally erroneous, and that such
21 definition seeks to exceed the scope of permissible discovery. Further, Tarkett objects to this
22 Interrogatory by and through its request to "DESCRIBE" "DOCUMENTS" as overly broad and
23 unduly burdensome and beyond the permissible scope of discovery. In addition, Tarkett objects to
24 this interrogatory as contrary to C.C.P. section 2031. Tarkett further objects to these interrogatories
25 in their entirety and this interrogatory specifically on the grounds that the defined terms
26 "MANUFACTUR(ED)," "ASBESTOS-CONTAINING," and "FLOORING PRODUCTS" are vague,
27 ambiguous, confusing, overly broad, unduly burdensome and not reasonably calculated to lead to the
28

1 permissible scope of discovery. In addition, Tarkett objects to this interrogatory as contrary to C.C.P.
2 section 2031. Subject to and without waiving these and its general objections and preliminary
3 statement, Tarkett responds as follows: None.

4
5
6 DATED: August 13, 2001

POND, NORTH & HUGO, P.C.

By 

Edward R. Hugo

Donna L. Maul

Attorneys for Defendant TARKETT, INC.

1 **Re: Tyson Biron and Paula Biron vs. Owens Corning, et al**
2 **Case No.: 815610-1 (Consolidated with Case No. 822323-6)**

3 **VERIFICATION**

4 I, J. Michael McGorry, declare:

5 I am the Vice-President, Finance and Administration of TARKETT, INC., a corporation
6 organized and existing under the laws of the State of Delaware, which is a defendant in the
7 above-entitled action, and I have been authorized to make this verification on its behalf.

8 I have read the foregoing TARKETT, INC.'s Responses to Plaintiff's Interrogatories
9 (Set One) and know the contents thereof. I am informed and believe that the matters stated therein
10 are true and on that ground I allege that the matters stated therein are true.

11 Executed on the 10 day of August 2001, at 9:45 PM, 61 Ketchikan Pk.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 
14 J. Michael McGorry, Vice-President,
15 Finance and Administration TARKETT,
16 INC.

