PLAINTIFF'S EXHIBIT

SRS-11

TKH/227500 9/26/00 Firm Number: 14503 1617-156-30

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

HOWARD PLUMB, et al.,	)	
	)	
Petitioners,	)	
v.	)	No. 00 L 10256
	)	
ALLSTATE INSURANCE COMPANY,	)	
	)	
Respondent.	)	

ALLSTATE'S RESPONSE TO SUBPOENA AND REVISED - SCHEDULE A

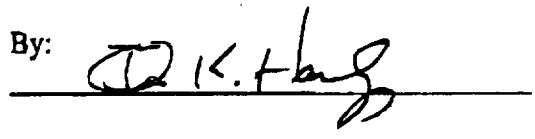
Respondent, ALLSTATE INSURANCE COMPANY (hereinafter "Allstate"), by and through its attorneys, TRESSLER, SODERSTROM, MALONEY & PRIESS, in response to the Subpoena and Revised – Schedule A served by the Petitioners, HOWARD PLUMB and ELSIE PLUMB (hereinafter "Petitioners"), pursuant to the Court's order of September 25, 2000, states as follows:

In the New York action filed by the Petitioners, they claim personal injuries sustained as a result of exposure to asbestos and/or asbestos-related products in the years 1947 through 1955. Petitioners seek information from Allstate to establish that Sears, a defendant in the New York action, had knowledge of the hazards of asbestos prior to 1955. Petitioners did not dispute this time parameter in their "Affirmation in Opposition" to the Motion to Quash. Accordingly, Allstate has provided responses for the time frame of 1931 through 1955.

On September 14, 2000, Judge Donnersberger heard oral argument on Allstate's Motion to Quash and for a Protective Order concerning the subpoena.

During that hearing, Judge Donnersberger ordered the Petitioners to narrow their requests. Allstate received the Revised Schedule A shortly after 5:00 p.m. on September 14, 2000, and provides the following response as ordered by the court on September 25, 2000, through the affidavit of George Anderson dated September 26, 2000. In addition to the affidavit of George Anderson dated September 26, 2000, Allstate is also sending documents to counsel for the Petitioners in New York. By providing the responses as ordered by the court, Allstate does not waive and preserves its objections raised in its prior filings and at prior hearings in this matter.

Respectfully submitted,
TRESSLER, SODERSTROM, MALONEY
& PRIESS

By: 

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TKH/cmc/227305 Firm Number: 14503 1617-156-30

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Plumb, et al.,	)	
	)	
Petitioners,	)	
v.	)	No. 00 L 010256
	)	
Allstate Insurance Company,	)	
Respondent.	)	

AFFIDAVIT OF GEORGE ANDERSON

The undersigned, being first duly sworn on oath, deposes and states as follows:

1. That I have personal knowledge of the facts contained herein and could competently testify thereto.

2. That I have reviewed the subpoena for deposition served by the petitioners on Allstate in this matter, and the accompanying "Revised - Schedule A."

3. That I am providing this affidavit in support of Allstate Insurance Company's ("Allstate") Motion to Quash and/or for Protective Order in this matter.

4. I was first employed by Allstate in 1972 as a Casualty Claim Adjuster in the San Diego District Claim Office. My duties included adjusting personal lines liability claims. From 1974 through 1979, I was employed by Allstate in three different regional and district claim offices in California. My duties included administration of four district claim offices. I also have been employed by Allstate since 1980 in various positions including: Commercial Claim Manager; Field Review Manager; Manager of Northbrook Excess and Surplus Insurance Company claims; and Environmental Claims Director. As part of my duties during that time, I managed an office handling all excess and surplus claims, facilitated reorganization of a department handling environmental claims, and

addressed system problems for commercial claims. I am presently Senior Manager for Allstate Insurance Company, and as a result of my experience outlined above, I am familiar with the historical claims process at Allstate, in both the personal lines and commercial areas.

5. That to become educated concerning the availability of the information sought by the Petitioner, I have spent many hours researching and had numerous conversations with employees of Allstate since the subpoena was served on September 8, 2000. Others at Allstate have also conducted extensive investigation in an effort to determine whether any of the information sought by the Petitioners exists.

6. Based on the aforementioned investigation, I was provided with information by individuals identified below that allows me to provide the following responses to the Topics on Revised - Schedule A.

7. Topic 1: In responding to this topic, John Brady, State Filings Director for Allstate Insurance Company, has advised that Allstate was a member of NAII as of 1946. Our investigation to identify documents to verify this fact continues, and we will supplement this response as additional information becomes available.

8. Topic 3: In responding to this topic, I have consulted with Dave Wieder of the Allstate Field Mail Room, Jim Weber of the Specialty Operations Division; Bridget Gould of Specialty Operations Division; Gary Efrom of Stat & Enterprise Systems of Allstate; all of the claims analysts within the Specialty Operations Division; regional counsel regularly retained to handle asbestos coverage matters for Allstate including: Tressler, Soderstom, Maloney & Priess (Illinois), Cuyler Burk (New Jersey), Rivkin Radler (New York), Lillick & Charles (California), and Aronberg Goldgehn

(Illinois). Allstate has no list of insureds as requested in this topic. Allstate also has no centralized database that would allow it to assemble such a list in the time permitted, if at all. In its best efforts to comply with the court order, Allstate provides the following information and continues its investigation to identify those entities it insured between 1931 and 1955, which allegedly manufactured asbestos containing products. Allstate issued policies to the entities listed on Exhibit B. While these entities are alleged to have manufactured asbestos containing products, Allstate is unable to verify whether the entities listed on Exhibit B allegedly manufactured such products during the 1931 to 1955 time frame. Allstate also cannot verify at this time whether it insured any of the entities listed on Exhibit B between 1931 and 1955, other than Sears. Attached as Exhibit A is a list of entities to which Allstate issued certain commercial policies from 1960 to 1992, and known or identified as, at various times, Special Accounts, National Accounts, and Corporate Accounts. Allstate is unable to verify at this time whether the entities listed on Exhibit A were insured by Allstate prior to 1960, and whether these entities are alleged to have manufactured asbestos. Attached as Exhibit C is a list of claims submitted by various Allstate insureds which contain the letters "asb" in the loss description. This was generated through a search on CIS (Commercial Information System) in response to the subpoena served by the petitioners. Data was entered on this system beginning in approximately 1974. The CIS does not contain detailed or complete information concerning claims submitted prior to 1974. There is no other computer database within Allstate that would permit assembly of this information in a mechanized fashion. There is also no similar system in the personal lines area. Allstate is unable to verify at this time whether any of the insureds listed on Exhibit C are alleged to have manufactured asbestos

containing products. At this time, Allstate does not believe that it issued policies in any of its regional offices to any entities that allegedly manufactured asbestos containing products. Allstate is unable to identify a complete list of its insureds between 1931 and 1960. Investigation is continuing in this regard and Allstate will supplement this response as additional information becomes available.

9. Topic 4: In order to provide this response, the following Allstate personnel have been consulted: Julie Justie of Allstate Corporate Relations and Michael Donoghue of P-CCSO. Allstate has no description of the type sought in Topic 4. During the relevant time frame, Allstate did not have a medical department, library, and/or "loss prevention department" as that phrase is understood by Allstate.

10. Topic 5: In responding to this topic, I have consulted with Dave Wieder of the Allstate Field Mail Room, Douglas Atkins of Allstate Claims, Mary Symuleski of Allstate CTS, Bridget Gould of Specialty Operations Division, and Gary Efrom of Stat & Enterprise Systems of Allstate. Allstate has no documents concerning claims received between 1931 and 1955 for alleged asbestos injuries. In its best efforts to comply with the court order, Allstate provides the following information and continues its investigation to identify any claims it received between 1931 and 1955 concerning asbestos related injuries. Attached as Exhibit C is a list of claims submitted by various Allstate insureds which contain the letters "asb" in the loss description. As stated above, this was generated through a search on the CIS. None of these claims were submitted to Allstate during the relevant time frame. Allstate has no centralized computer database that would allow it to assemble a list of the claims described in topic 5. Allstate is not able to identify all asbestos claims it received during the relevant time frame without a

manual search of each closed claim file that may have been handled in the numerous claim offices that reported to approximately 26 regional offices in existence during this time frame. It would take between four to seven working days for personal lines to run a search on its database for asbestos claims since 1975. For claims submitted to personal lines prior to 1975, there is no mechanized system to search for claim files of the type sought by the petitioners.

11. Topic 6: To respond to this topic, the following individuals were consulted: Joseph Grazulis, of Allstate Claims, William Kane of Allstate P-CCSO, Bridget Gould of the Specialty Operations Division, Peter Lago of Allstate P-CCSO, and Kim Sloane of Allstate Claim Reserves. Allstate does not possess any documents that generally relate to Allstate's knowledge between 1931 and 1955 of the hazards of asbestos. In addition, Allstate is not aware of any documents that discuss Allstate's knowledge in this regard during that time frame. Allstate acknowledges it may have items of generic character concerning the hazards of asbestos, which came into Allstate's possession sometime after 1960. Allstate's investigation is continuing and Allstate will supplement this answer as additional information becomes available.

12. Topic 7: To formulate a response to this topic, the following individual was consulted from Allstate: Ingrid Bohlender of Allstate Corporate Governance Law.

Feb 9, 1931 - ALLSTATE INSURANCE COMPANY {"AIC"} was incorporated in Illinois.

Jan 27, 1932 – AIC purchased nineteen hundred seventy-five {1975} shares of ALLSTATE FIRE INSURANCE COMPANY

March 6, 1957 – AIC formed ALLSTATE LIFE INSURANCE COMPANY

July 20, 1959 – AIC invests in the capital stock of a subsidiary fire and casualty insurance company organized in Switzerland.

July 20, 1959 – AIC organizes a Texas subsidiary to write and issue life insurance and health and accident insurance. This entity was later named Cross Country Life Insurance Company.

Oct. 27, 1959 – AIC's board of directors approved the action of the Finance Committee of the company approving a loan to ALLSTATE INTERNATIONAL S.A., ZURICH to be used to purchase 100% of the outstanding shares of La Californiana, an insurance company organized under the laws of Mexico.

Nov. 23, 1959 – prior to this date, AIC's shares in Altstadt Versicherungs AG were transferred to Allstate International S.A. Zurich.

July 7, 1960 – AIC formed NATIONAL EMBLEM INSURANCE COMPANY in Illinois. The Certificate of Authority was issued on August 1, 1960.

Investigation continues and any responsive documents that are identified will be produced.

13. Topic 8: To formulate a response to this topic, the following individuals were consulted from Allstate: Emma Kalaidjian and Jennifer Hager of Allstate Corporate Governance Law. From the date Allstate Insurance Company was established on February 9, 1931, until November 5, 1992, Allstate was a wholly owned subsidiary of Sears, Roebuck & Company, through Sears' direct ownership of 100% of the common stock of Allstate. Sears maintained an indirect majority ownership of Allstate through its wholly owned subsidiaries, Allstate Holdings, Inc. and the Allstate Corporation, from November 5, 1992 until July 1, 1995, when Sears distributed its interest in the Allstate Corporation to its shareholders.

14. Topic 9: To formulate a response to this topic, the following individuals were consulted from Allstate: James Weber, Terry Hayes of Allstate Specialty Operations Division, Bridget Gould, and Gary Efrom. Allstate has no documents concerning communications it may have had with Sears between 1931 and

1955 concerning the hazards of asbestos. Although Sears has submitted claims for asbestos, as revealed in Exhibit C, there is no record of any such claims being submitted prior to the 1980s.

15. Topic 10: To formulate a response to this topic, the following individuals were consulted from Allstate:: Douglas Atkins and Bridget Gould, who reviewed deposition transcripts she maintains of Allstate employees deposed in asbestos coverage litigation. Allstate has no documents of the type sought in Topic 10 for the relevant time period. Deposition transcripts are not maintained in a central repository. The depositions are maintained in the files of outside counsel or in the separate claim files. No index of depositions of Allstate employees is maintained in the personal lines area.

FURTHER AFFIANT SAYETH NAUGHT.

GEORGE ANDERSON

Subscribed and Sworn to before
me this 26 day of September, 2000.

Carol M. Reinberger
Notary Public

"OFFICIAL SEAL"
CAROL M. REINBERGER
Notary Public, State of Illinois
My Commission Exp. 05/04/2004