

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

HONORABLE JAMES MIES

EDWARD ABBATE	Case No. 82-244-494-NP
CLETIS ADAMS	Case No. 82-243-442-NP
RICHARD AHO	Case No. 84-421 644-NP
PAUL ALDRICH	Case No. 84-430-348-NP
HENRY ALEXANDER	Case No. 85-500-974-NP
DONALD BAKUS	Case No. 84-425-721-NP
CARROL BARNETT	Case No. 84-428-753-NP
LEO GULVAS (BAUER)	Case No. 83 338 609 NP
FILMORE BECK	Case No. 84-428-742-NP
SINCLAIR BECK	Case No. 85-500-975-NP
ANNE BENIGNI	Case No. 84-428-995-NP
RUSSEL BEUTLER	Case No. 85-504-169-NP
MAYNERD BISHOP	Case No. 84-428-785-NP
BERNADINE BLACKMON	Case No. 84-420-863-NP
CLAUDE BLOODSAW	Case No. 84-430-427-NP
EMMITT BOATNER	Case No. 84-410-852-NP
JOSEPH BOLUS	Case No. 84-422-923-NP
LAVERN MAX BOMAN	Case No. 85-505-646-NP
ROBERT BORDEAUX	Case No. 83-324-984-NP
NEWTON BRADLEY	Case No. 84-428-764-NP
GERALD BRADY	Case No. 84-406-176-NP
JOHN C. BROWN	Case No. 84-431-285-NP
GEORGE BUGBEE	Case No. 84-425-703-NP
ROBERT BULLION	Case No. 83-331-430-NP
MARVIN BULLION	Case No. 84-435-208-NP
RICHARD BUMPUS	Case No. 84-429-684-NP
GARNOLD BUNCH	Case No. 84-426-336-NP
RICHARD BURDEN	Case No. 83-302-210-NP
RICHARD BUXTON	Case No. 82-244-496-NP
EDWARD BYSTRY	Case No. 83-310-872-NP
MICHAEL CANNAZZARO	Case No. 84-421-216-NP
DONALD CARMACK	Case No. 84-406-177-NP
IRVING CASEY	Case No. 84-428-754-NP
ROY CHERRY	Case No. 85-503-294-NP
JACK CHISLEY	Case No. 84-428-763-NP
JAMES COOLEY	Case No. 84-428-746-NP
CHARLES CRUMP	Case No. 84-429-686-NP
EDWARD DAVIS	Case No. 84-422-069-NP
LEROY DOLLEY	Case No. 82-215-157-NP
JAMES DURR	Case No. 84-429-676-NP
FRANK EVANS	Case No. 84-429-667-NP
KENNETH FURBY	Case No. 84-401-678-NP
STANLEY GAJEWSKI	Case No. 83-325-914-NP
ELAINE GARD	Case No. 83-303-425-NP
CLAYTON GERARD	Case No. 85-504-649-NP
JOSEPH GERO	Case No. 83-321-551-NP
OSCAR GOINS	Case No. 84-435-490-NP
EUGENE GULLIVER	Case No. 84-435-491-NP
DEAN GUTGSELL	Case No. 83-316-894-NP
SAMUEL HAMILTON	Case No. 84-428-756-NP
L.B. HARDAWAY	Case No. 84-423-306-NP
WALTER HARDY	Case No. 83-302-534-NP
MARY HATCH	Case No. 84-429-675-NP
LEONARD HETHERINGTON	Case No. 85-503-295-NP
JAMES HILL	Case No. 84-435-492-NP
MARVIN HODAPP	Case No. 84-434-078-NP
JOYCE KOLACZ (HOUSE)	Case No. 85-503-284-NP

LINDA D. HUNTER	Case No. 83-300-432-NP
JIMMIE L. JACKSON	Case No. 84-422-256-NP
LUTHER JEWELL	Case No. 84-419-872-NP
WALTER JOHNSON	Case No. 84-430-425-NP
PATRICK KEARNEY	Case No. 83-307-425-NP
RAYMOND KERTTU	Case No. 83-316-893-NP
JOHN KLASS	Case No. 82-242-440-NP
RICHARD KLYCE	Case No. 84-431-764-NP
MOSES KNIGHT	Case No. 84-429-681-NP
ROLAND KNIGHT	Case No. 84-426-395-NP
PHYLLIS KOSECKI	Case No. 83-336-332-NP
CHESTER KOZLOWSKI	Case No. 83-302-533-NP
RANDALL KUHLMAN	Case No. 84-435-725-NP
J.D. LANDRUM	Case No. 85-500-972-NP
OWEN LASHBROOK	Case No. 83-523-916-NP
SILVIE GRAY LONDON	Case No. 83-324-948-NP
JOSEPHINE L. LUMETTA	Case No. 83-330-008-NO
JAMES MANN	Case No. 84-428-768-NP
MARY E. MARTIN	Case No. 82-233-503-NP
GEORGE MILLER	Case No. 84-429-682-NP
RUTH ANN MITCHELL	Case No. 83-336-650-NP
OLLIE MITCHELL	Case No. 84-429-913-NP
DAVID MITCHELL	Case No. 85-500-977-NP
FRANK MOBERG	Case No. 84-434-098-NP
JESSIE MOBLEY	Case No. 84-419-875-NP
JOHN MOFFAIT	Case No. 85-500-553-NP
THEODIS MORRISON	Case No. 84-428-777-NP
Y.T. MORRISON	Case No. 84-428-761-NP
LEE MOULTRIE	Case No. 84-423-305-NP
WILLIE MYERS	Case No. 84-435-496-NP
JOHN NATHAN	Case No. 84-423-308-NP
EDMON NELSON	Case No. 84-429-679-NP
WILLIAM NELSON	Case No. 82-244-495-NP
ROY NOEL	Case No. 85-503-286-NP
ANTHONY O'HAIRE	Case No. 85-500-968-NP
DAVID OGLESBY	Case No. 85-500-972-NP
SYLVESTER PACE	Case No. 84-430-426-NP
ELLERY PARENT	Case No. 82-243-441-NP
HERMAN PARKS	Case No. 84-429-662-NP
JOSEPH PETERS	Case No. 84-421-922-NP
PHYLLIS PIERCE	Case No. 83-307-416-NP
THEODORE POLCYN	Case No. 84-413-899-NP
OSCAR PORTER	Case No. 84-423-262-NP
EARL POTSET	Case No. 84-430-423-NP
JOSEPH REVARD	Case No. 84-430-330-NP
EARL RICHARDS	Case No. 84-425-712-NP
ALVIN ROSE	Case No. 84-428-780-NP
RONALD ROTUNNO	Case No. 84-425-687-NP
MARGARET SCHLEIF	Case No. 83-337-550-NP
WILLIAM SCHUSTER	Case No. 83-325-917-NP
BENNIE SCOTT	Case No. 84-428-766-NP
DOROTHY SHAWVER	Case No. 82-223-233-NP
JUANITA SIMON	Case No. 83-337-088-NP
CHARLIE SLY	Case No. 84-428-741-NP
HARRISON SMITH	Case No. 84-429-685-NP
ROY MILLER SMITH, JR.	Case No. 84-426-367-NP
WILLIE SMOTHERS, SR.	Case No. 84-429-910-NP
WILLIAM SPROSEK	Case No. 84-426-114-NP
WILLIAM STANIGER	Case No. 83-315-038-NP
RAWLEY STERNAMAN	Case No. 83-324-990-NP

LEONARD SWIATLOWSKI	Case No. 84-407-852-NP
RONALD SZALAY	Case No. 84-427-488-NP
GEORGE TORNEY	Case No. 84-410-897-NP
ALVINA TURNER	Case No. 83-523-916-NP
SHIRLEY VANDEBERGHE	Case No. 83-329-975-NP
RUTH VANKAMPEN	Case No. 83-338-608-NP
WILLIAM WALKER	Case No. 84-435-493-NP
NELSON WELCH	Case No. 83-339-332-NP
LEONA WHITE	Case No. 82-210-967-NP
GERTRUDE WHITE	Case No. 85-501-886-NP
MIRRELL WHITE	Case No. 83-336-329-NP
CRAWFORD WILLIAMS	Case No. 84-431-287-NP
WILL WILLIAMS	Case No. 84-429-907-NP
WILLIAM WOOD	Case No. 81-135-191-NP

Plaintiffs,

v

OWENS-CORNING FIBERGLAS CORPORATION, ET AL

Defendants.

/

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ANSWER TO PLAINTIFFS' STANDARD INTERROGATORIES TO DEFENDANT OWENS-CORNING FIBERGLAS CORPORATION

NOW COMES the defendant, OWENS-CORNING FIBERGLAS CORPORATION, by and through its attorneys, KITCH, SAURBIER, DRUTCHAS, WAGNER & KENNEY, P.C. and answers plaintiffs' Standard Interrogatories as follows:

Preliminary Statement

Answers to these Interrogatories were prepared based upon a search of presently existing corporate files and records regularly maintained in the ordinary course of business of Owens-Corning Fiberglas Corporation and also information obtained during interviews with various employees of the company. No single officer, employee or agent of the company has the direct knowledge or the proper documents necessary to supply each and every answer required. All answers are derived from a number of sources, persons and documents. The person signing the answers to these Interrogatories does so solely to satisfy whatever requirement may exist under the applicable rule of civil procedure. The person signing the answers does not, however, have direct knowledge regarding any specific answer but is informed that the files, documents and interviews referred to above do support the responses based upon information available as of the date of signature. If information is later obtained which changes, modifies or enlarges any of the answers here presented, such information will be conveyed to the parties submitting these Interrogatories. These Interrogatories are signed by Daniel M. Phillips, Director - Litigation, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. The telephone number of the corporation is A/C 419/248-8000.

1. Please identify each person who has provided information used in answering these Interrogatories on behalf of the Defendant.

1. ANSWER

See the Preliminary Statement.

2. Please identify all documents used or referred to in connection with the preparation of or answers to these Interrogatories, and state the number of the Interrogatory and its subpart as to each such document.

2. ANSWER

See response to 1.

3. Please state whether or not Defendant is a corporation. If so, please state your correct corporate name, the state of your incorporation and the address of your principal place of business.

3. ANSWER

Yes. Defendant's correct corporate name is Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Defendant was incorporated in the State of Delaware on October 3, 1938.

4. Please state whether or not Defendant or its predecessor(s) or subsidiaries has ever held a certificate of authority to do business or is otherwise licensed to do business in the State of Michigan and/or has ever regularly conducted business in Michigan. If the answer is yes, please state the date or dates on which such certificate of authority and/or license was obtained and/or during which such business was regularly conducted in Michigan.

4. ANSWER

This defendant did not have a corporate predecessor. Defendant has held a certificate to do business in the State of Michigan since November 29, 1954.

5. Describe in detail Defendant's complete corporate history, including any mergers, consolidations, predecessors, prior names, asset purchases, acquisitions or spin-offs having to do with the mining of asbestos fibers or manufacture or sale of asbestos-containing products. In addition:

a. If you have sold any asbestos product line or stock in a company dealing in asbestos-containing products, state the

date of the sale and identify the purchaser;

b. Identify each document related to the history of transaction(s) set forth in answer to this Interrogatory.

5. ANSWER

See attached Exhibit 1. This Defendant was never involved in the mining of asbestos.

(a). This Defendant sold no stock except its own.

(b). Not applicable

6. Please state whether or not the Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity engaged in the mining of asbestos-containing products. If so, please identify each document governing the terms and conditions of any such transaction and/or acquisition, and state:

a. The name of each corporation or entity acquired by Defendant and the name of Defendant at the time of acquisition;

b. The manner in which each such corporation or entity, or interest therein, was acquired (e.g., assets purchase, merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);

c. The date of each such acquisition;

d. The state in which each such acquisition was effected;

e. The state law governing each such acquisition of specified by contract;

f. The state of incorporation and principal place of business of each corporation acquired or of each corporation in which an interest was acquired; and

g. Whether Defendant became legally responsible for the past torts of each corporation or entity.

6. ANSWER

Yes.

(a through g). In 1958, this Defendant purchased certain assets of the Kaylo (division) plant Berlin, New Jersey from Owens-Illinois Glass Company, and in 1970 this Defendant purchased the Chembest Division, Bloomington, Illinois from Unarco.

11. ANSWER

This Defendant did not have its inception until 1938.

Defendant's Kaylo asbestos-containing industrial insulation was manufactured at its Berlin, New Jersey plant from May, 1958 until November, 1972, at which time the production of asbestos-containing Kaylo ceased. Defendant's Fyrcor was manufactured at its Bloomington, Illinois plant from April, 1970 until November, 1972 at which time the production ceased. Cements, sewn blankets, metal mesh blankets, and Type II Mastic were manufactured at its Newark, Ohio plant. Newark, Ohio produced a small quantity of asbestos-containing products. The Newark plant began operation in 1938. The Bloomington, Illinois plant was sold in early 1982, and the remaining plants are still in operation producing other products.

12. Please list each asbestos-containing product mined, manufactured, sold, marketed and/or distributed by Defendant, Defendant's predecessors, and Defendant's subsidiaries at any time since 1930; and please state the following for each named product:

a. The year it was first mined, manufactured, sold, marketed or distributed, and if discontinued, the year and the reason such mining manufacture, sale, marketing or distribution stopped;

b. The years during which the product was mined, manufactured, sold, marketed or distributed;

c. Whether or not said product was ever manufactured, sold, marketed or distributed in the State of Michigan, and the time period during which such manufacture, sale, marketing or distributing took place;

d. The name and address, per year, and per product, of each customer in the State of Michigan purchasing in excess of $1,000.00 per year of a product during any year;

e. The address(es) at which the product was mined or manufactured;

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

EDWARD ABBATE,

Plaintiff,

-vs- Case No. 82-244-494 NP

Hon. James E. Mies

OWENS-CORNING FIBERGLAS CORPORATION, et al

Defendants.

_____/

AFFIDVIT OF SERVICE

STATE OF MICHIGAN)
SS:
COUNTY OF WAYNE)

PHYLLIS A. BOSS, being first duly sworn, deposes and says that on the 14th day of May, 1985, she is employed by the law firm of KITCH, SAURBIER, DRUTCHAS, WAGNER & KENNEY, P.C., and that on May 14, 1985 she did serve upon the following:

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the following documents: ANSWER TO PLAINTIFFS' STANDARD INTERROGATORIES TO DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION by having same enclosed in envelopes with postate thereon fully prepaid and deposited in an United States postal receptacle.

Phyllis A. Boss

Phyllis A. Boss

Subscribed and sworn to before
me this 14th day of May, 1985

LINDA PITTS, Notary Public
County of Wayne, State of Michigan
My Commission Expires: MAY 18, 1987

EXHIBIT #1

CHRONOLOGIC ORDER OF THE DEVELOPMENT OF OWENS-CORNING FIBERGLAS

I. October 28, 1938 - Agreement between Owens-Illinois and Corning Glass Works for the formation of Owens-Corning Fiberglas.

II. October 31, 1938 - Certificate of a corporation filed in Delaware authorized to do business in Delaware, Ohio, and New York.

III. September, 1943 - The formation of The Fiberglas Corporation. (The Fiberglas Corporation was formed on July 29, 1943 by Owens-Corning Fiberglas Corporation, as a wholly owned subsidiary for the sole purpose of protecting the "Fiberglas" name in various states. Since the formation of The Fiberglas Corporation, no sales revenue has been received and its sole expenses have been the various state franchising and filing fees.)

IV. January 27, 1950 - Board of Directors authorized the formation of "Fiberglas Engineering and Supply Company of Northern California".

V. January 25, 1951 - Board of Directors authorized the formation of "Fiberglas Engineering and Supply Company of Oregon, or some similar name to operate in the states of Oregon and Idaho. (Was incorporated as Fiberglas Engineering and Supply Company of the Northwest).

VI. July, 1951 - Fiberglas Contracting and Supply Company of Ohio Valley was formed in the State of Ohio.

VII. June 27, 1952 - Fiberglas Engineering and Supply Company of Northern California, purchased the assets of Marine Engineering and Supply Company and the name was changed to Fiberglas Engineering and Supply Company.

VIII. June 27, 1952 - Purchase of the Detroit Insulation Company and the name apparently changed to Detroit Fiberglas Insulation Company.

IX. November 18, 1953 - The Detroit Fiberglas Insulation was merged into Fiberglas Contracting & Supply Company of Ohio Valley.

X. January 24, 1954 - Fiberglas Engineering and Supply Company of the Northwest was merged into Fiberglas Engineering and Supply Company.

XI. November 27, 1954 - The Board of Directors liquidated the subsidiaries that's both Fiberglas Engineering and Supply Company and Fiberglas Contracting and Supply Company and the wholly owned subsidiaries were completely done away with.

XII. March 15, 1976 - Board of Directors of The Fiberglas Corporation voted to dissolve corporation.

XIII. May 10, 1976 - Certificate of Dissolution for The Fiberglas Corporation received and filed in the Office of the Secretary of State, the state of Delaware.

KITCH, SAURBIER, DRUTCHAS, WAGNER & KENNEY, P.C.

ATTORNEYS AND COUNSELORS

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May 14, 1985

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Dear Counsel:

Enclosed, please find a copy of Defendant, Owens-Corning Fiberglas Corporation's Answers to Plaintiffs' Standard Interrogatories, an Affidavit and an Affidavit of Service.

COMPANY

FILE COPY

Very truly yours,

KITCH, SAURBIER, DRUTCHAS,
WAGNER & KENNEY, P.C.

R. Michael O'Boyle

RMO/pb
Encl.
cc (w/o Encl.) ALL DEFENSE COUNSEL