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Attorneys for PlaintiffsHERBERT CARLSON AND
SHIRLEY CARLSON,

Plaintiffs

v.

CERTAINTED CORP., ET AL.

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTYSEPTEMBER TERM, 2000
NO. 1274

ASBESTOS CASE

**PLAINTIFFS' FIRST SET OF PREMISES LIABILITY REQUESTS
FOR ADMISSION AND INTERROGATORIES DIRECTED TO
DEFENDANT, CERTAINTED CORP.**

Plaintiffs, Herbert and Shirley Carlson, by and through their attorneys, Shein Law Center, Ltd., propound the following interrogatories on defendant, CertainTeed Corp. pursuant to Pa.R.C.P. 4014, 4005 and 4009.1. Answers to these Requests for Admission and Interrogatories are due thirty (30) days after service of the same. These discovery requests are continuing in nature. If, after answering or producing documents, you obtain or become aware of any further responsive information or document, you are to so notify plaintiffs and supplement your responses hereto.

DEFINITIONS AND INSTRUCTIONS

- A. The term "documents" includes, without limitation, originals and copies of all documents, blueprints, plans, specifications, change orders, drawings, tracings, correspondence, papers, memoranda, reports, notes, rough drafts, secretarial notes, notebooks, work pads, diaries, legal opinions, calendars, messages, checkbooks, circulars, releases, prospectuses, contracts, orders, graphs, films, tapes, including recorded telephone or personal conversations, computer printouts or any other writing or tangible objects, whether produced or reproduced mechanically, electronically, electrically, photographically or chemically and all other compilations of data from which information can be obtained or translated. The term "document" also includes any original of a duplicate and/or duplicate of an original which contains any handwritten notes, printed matter, typed matter, stamped matter, underlining or markings of any kind not contained on the duplicate or the original.
- B. The term "defendant" or "you" or "your" or any synonym thereof, either singular or plural, is intended to and shall embrace and include defendants, counsel for the defendants (to the extent that the discovery request seeks non attorney-client privileged information), all agents, servants, workers, employees, contractors, sub-contractors, information for or on behalf of the defendant, and shall include all present and former subsidiaries, divisions, affiliates, predecessor entities, and entities acquired by you through merger or asset acquisition.
- C. "Company" or "entity" shall be construed to mean any person, individual, partnership, joint venture, corporation, group, association, governmental entity, governmental agency or any other entity.
- D. "Premises" includes, but is not limited to, buildings, structures in a refinery, boilers, generators, tract housing, commercial building and other such structures.
- E. "Asbestos-related injury(s) or illness(es)" includes, but is not limited to, the diseases pleural thickening, pleural plaques, interstitial fibrosis, asbestosis, lung cancer, mesothelioma and any other cancer or non-cancerous condition believed or known to be related to asbestos exposure.
- F. Whenever it is requested that a person or persons be identified, the full name, current address and relationship with the defendant should be stated. In any instance where the defendant is unable to identify all persons requested to be identified, the discovery request should be answered to the fullest extent possible by the defendant.
- G. If any answer or document responsive to the following discovery requests is withheld on the basis of any claim of privilege, describe generally the matter withheld, state the privilege being relied upon, and identify all persons or entities

who have or had access to such matter.

- H. In producing documents, you are requested to produce all known documents and documents available to you, regardless of whether those documents are possessed directly by you or your agents, employees, representatives, investigators, affiliates, or by your attorney's agents, employees, representatives or investigators.
- I. If any document to be produced was at one time in existence, but is no longer in existence, please so state, specifying for each document:
 - 1. the type of document;
 - 2. the type of information contained therein;
 - 3. the date upon which the document ceased to exist;
 - 4. the circumstances under which it ceased to exist;
 - 5. and, the identity of all persons having knowledge of the contents of said document.

I. REQUESTS FOR ADMISSION

- 1. You and/or your predecessors, subsidiaries, affiliates or parent corporations installed, removed, repaired or otherwise used raw asbestos and/or asbestos-containing products at your premises located in Ambler, Pennsylvania.
- 2. You and/or your predecessors, subsidiaries, affiliates or parent corporations never warned your employees or any contracted and/or subcontracted workers about the dangers of asbestos-containing products at your premises located in Ambler, Pennsylvania
- 3. You and/or your predecessors, subsidiaries, affiliates and/or parent corporations have, in their own right, or through a division, affiliate or subsidiary, contracted or subcontracted to install and/or remove asbestos containing materials at your premises located in Ambler, Pennsylvania.
- 4. You and/or your predecessors, subsidiaries, affiliates and/or parent corporations have purchased or received asbestos fiber and/or asbestos-containing products for use in your business activities conducted at your premises located in Ambler, Pennsylvania.
- 5. You had plants, factories or promotional facilities in the Commonwealth of Pennsylvania, including but not limited to your premises located in Ambler, Pennsylvania, which were engaged in the importation, manufacture, processing, converting, compounding, packaging, distribution and/or sale of asbestos, asbestos fiber, asbestos containing products.

6. Installation, removal, repair or otherwise using raw asbestos or asbestos containing products at your premises located in Ambler, Pennsylvania created a danger and/or potential danger to business invitees and/or business visitors.
7. Breathing of or inhalation of and/or exposure to raw asbestos and/or asbestos-containing products by business invitees and/or business visitors at your premises located in Ambler, Pennsylvania created a danger to those business invitees and/or business visitors.

II INTERROGATORIES

1. Please state whether or not you are a corporation. If so, state:
 - (a) Your correct corporate name;
 - (b) The state of incorporation;
 - (c) The date of your incorporation;
 - (d) The address of your principal place of business;
 - (e) Whether or not you have ever held a certificate of authority to do business in Pennsylvania;
 - (f) Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
 - (g) State your corporate purposes;
 - (h) State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 1. The name of the subsidiary and /or predecessor;
 2. Its date(s) of incorporation, if a corporation;
 3. Its state(s) of incorporation;
 4. Its corporate purposes.
 - (i) Whether your business entity is a product of merger, consolidation, or some other mechanism;
 - (j) Identify each such merger, consolidation and when it occurred.

2. Did you install, remove, or handle or contract to have others install, remove or handle raw asbestos or asbestos-containing products at your premises on Delaware Avenue, Philadelphia, Pennsylvania and at any of your premises in the Commonwealth of Pennsylvania, located in the counties of Bucks, Montgomery, Delaware, Philadelphia, Berks, Lancaster, Northampton, Lebanon, Chester, Lehigh, Dauphin and York and/or in New Jersey? If yes,
- a. Identify each premises by name and address;
 - b. For each premises:
 - (1) State the nature of your ownership or possessory interest;
 - (2) State the inclusive dates of that interest;
 - (3) Identify the party(ies) from whom that interest was acquired;
 - (4) Identify the party, if any, to whom that interest was transferred.

- 3 Identify every contract to which you were a party or of which you have knowledge wherein the performance of such contract involved the installation, removal or handling of any raw asbestos or asbestos-containing products at your premises. For each such contract:
- a. Identify the parties to the contract;
 - b. Provide a general description and specific location of the work to be performed by each party to the contract;
 - c. Identify and describe the nature, type and/or form of the raw asbestos or asbestos-containing products installed, removed or handled in the performance of the contract;
 - d. State the dates of the contract and the dates of performance of the same.

4. Except as provided in response to Interrogatory No. 3, has any work been done on or to each premises that involved the installation, removal, disturbing or handling of raw asbestos or asbestos-containing products? If yes, state:
- a. The inclusive dates of the work;
 - b. Provide a general description and specific location of the work;
 - c. State whether the work was done by you and/or your employees;
 - d. State whether the work was done by people or entities other than you and/or your employees;
 - e. If the work was done by people or entities other than you or your employees, state the names, dates and last known addresses and phone numbers of these people and/or entities;
 - f. Identify and describe the nature of the raw asbestos or asbestos-containing products installed, removed, handled or disturbed;
 - g. Identify from whom the raw asbestos or asbestos-containing products were acquired.

5. Has any asbestos abatement been performed or conducted at each premises? If yes:
- a. Identify who did the work;
 - b. State the inclusive dates thereof;
 - c. State whether samples were taken, and, if the samples still exist, identify the custodian of the samples;
 - d. State whether any material was tested, and, if so, what were the results of each test;
 - e. Identify each test result with sufficient particularity for purposes of a request for production of documents, or, in the alternative, attach a copy to your answers to these interrogatories.

6. Except for insurance coverage litigation, have you filed suit against, or otherwise sought to recover from, any person or entity for some or all of the cost of asbestos abatement or for the property damage allegedly caused by the presence of raw asbestos or asbestos-containing products on each premises identified in response to Interrogatory No. 2? If yes:
- a. Identify the person or entity against whom you have filed suit or otherwise sought to recover;
 - b. If you have filed suit, state the court in which the action was filed, the date on which it was filed, identify all plaintiffs and defendants and their counsel of record;
 - c. State whether or not the case has been resolved, and, if so, what was the status or disposition.

7. Attach all documents evidencing the information sought in Interrogatories Nos. 2 through 6 and their subparts to your answers to these Interrogatories or describe such documents with sufficient particularity that they may be made the subject of a request for production of documents. Also, identify the person(s) presently most knowledgeable about the information sought in Interrogatories Nos. 2 through 6 and their subparts.

8. For each of the following, please state whether, at any time or until such time as you discontinued mining, selling, supplying, labeling, distributing, importing, processing, manufacturing or using raw asbestos or asbestos-containing products at your premises, was this defendant a member or has/had it paid dues for any representative of this defendant to be a member of the following entities. Moreover, state whether you have had written or any other communications with these or any other trade associations regarding asbestos. If so, state the nature of the communications, the date(s) of the same and a description of the content, and, with regard to any written communications, attach all such documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents..

- a. American Conference of Governmental Industrial Hygienists
- b. American Industrial Hygiene Association
- c. American Public Health Association
- d. American Petroleum Institute
- e. American Railroad Association
- f. Asbestos Cement Producers Association
- g. American Ceramic Society
- h. Asbestos Information Association (AIA);
- i. Asbestos Information Association/North America (AIA/NA);
- j. American Society for Testing and Materials
- k. Asbestos Textile Institute (ATI)
- l. Asbestos Brake Lining Manufacturers Institute
- m. Brake Lining Manufacturers Association
- n. Chemical Manufacturers Association/Manufacturers' Chemical Association (CMA/MCA)
- o. Friction Materials Standards Institute, Inc.
- p. Grinding Wheel Institute
- q. Industrial Health Foundation (or any of its predecessors)
- r. Industrial Mineral Insulation Manufacturers Institute
- s. Institute of Occupational and Environmental Health of the Quebec Asbestos Mining Association
- t. Magnesia Silica Insulation Manufacturers Association
- u. Mineral Wool Institute
- v. Midwest Insulation Contractors Association
- w. National Insulation Manufacturers Association (NIMA)
- x. National Safety Council
- y. Northeast Insulation Contractors Association
- z. Quebec Asbestos Mining Association
- aa. Refractories Institute
- bb. Safe Building Alliance; please give dates
- cc. Thermal Insulation Manufacturers Association (TIMA)
- dd. Trudeau Foundation
- ee. Identify any other organizations, associations or groups of manufacturers, miners, distributors, importers, labelers, suppliers, and/or sellers of asbestos-containing products of which this defendant was a member.

9. For each organization, association or other entity you identified in Interrogatory No. 8, state:
- a. The dates during which this defendant was a member;
 - b. The name(s) of any publications(s) received by this defendant from such organization, association or entity;
 - c. The name of any committee or subcommittee of which this defendant was a member, and the dates of such committee or subcommittee membership.

10. Has this defendant received any documents containing results or conclusions of any studies and/or tests conducted for Standard Oil of New Jersey relating to asbestos exposure in the workplace or the human health consequences of exposure to asbestos? If yes:
- a. State the date upon which this defendant first received such documents;
 - b. State the identity of the custodian of such documents;
 - c. Attach all such documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents.

11. Has this defendant received any documents containing results or conclusions of any studies and/or tests conducted by any insurance company, including, but not limited to, Metropolitan Life Insurance Company and Aetna Insurance relating to asbestos exposure in the workplace or the human health consequences of exposure to asbestos? If yes:
 - a. State the date upon which this defendant first received such documents;
 - b. State the identity of the custodian of such documents;
 - c. Attach all such documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents.

12. Has this defendant received any documents containing results or conclusions of any studies and/or tests conducted by any laboratory, including, but not limited to, the Saranac Laboratory relating to asbestos exposure in the workplace or the human health consequences of exposure to asbestos? If yes:
- a. State the date upon which this defendant first received such documents;
 - b. State the identity of the custodian of such documents;
 - c. Attach all such or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents.

13. Has this defendant ever maintained a library or libraries which contained books, articles, periodicals, journals, and/or reference materials that related to the subjects of asbestos, industrial hygiene, medicine, safety and/or occupational disease? If yes:
- a. The date each such library was established.
 - b. The location of each such library.
 - c. The identity of each librarian or other person in charge of such library.
 - d. Identify each index maintained in the normal course of business that lists the publications in each such library related to the aforementioned subjects.

14. With the exception of OSHA compliance, had this defendant prior to 1980 exchanged documents or communicated with any person or other company expressly regarding the results of tests and/or studies relating to asbestos exposure in the workplace or the human health consequences of exposure to asbestos? If yes, state:
- a. Each person or company with whom the information was exchanged or to whom it was communicated;
 - b. The date(s) of any such exchanges or communications;
 - c. The identity of the custodian of such documents;
 - d. Attach all such documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents.

15. Has any employee or designee of this defendant testified as a representative of this defendant before the Occupational Safety and Health Administration (OSHA), the National Institute of Occupational Safety and Health (NIOSH) or any committee or subcommittee of the United States Congress or Senate relating to asbestos exposure in the workplace or the human health consequences of exposure to asbestos? If yes, state:
- a. The entity before whom such testimony was given;
 - b. The date(s) and location(s) of such testimony;
 - c. The identity of the individual(s) who testified;
 - d. Whether any documents were presented to the entity before which testimony was given;
 - e. Whether copies of documents presented were retained by this defendant and, if so, state the identity of the custodian of such documents.

16. Has this defendant conducted, or caused to be conducted, tests, and/or studies of asbestos dust created during the manufacture, processing and/or assembling of asbestos-containing products? If yes, state:
- a. Each manufacturing facility, including location and address, at which any such test and/or study was conducted;
 - b. The date of each such test and/or study;
 - c. The individual(s) or entity conducting each such test and/or study;
 - d. Whether this defendant has any documents containing the results and/or conclusions of each such study;
 - e. The identity of the custodian of these documents.

17. Has this defendant conducted, or caused to be conducted, tests, and/or studies of asbestos dust levels at any location or job site where asbestos-containing products were installed, utilized or removed? If yes, state:
- a. The location, including name and address, at which each such test and/or study was conducted;
 - b. The date of each such test and/or study;
 - c. The individual(s) or entity conducting each such test and/or study;
 - d. Whether this defendant has any documents containing the results and/or conclusions of each such study;
 - e. The identity of the custodian of these documents.

18. Did this defendant have any laboratory or other similar type of facility anywhere in the United States at which it conducted, or caused to be conducted, any tests and/or studies relating to the dust generated by the use of raw asbestos or asbestos-containing products and the health consequences of asbestos? If yes, state:
- a. The location, including name and address, at which each such test and/or study was conducted;
 - b. The individual(s) or entity conducting each such test and/or study;
 - c. The date of each such test and/or study;
 - d. Whether this defendant has any documents containing the results and/or conclusions of each such test and/or study;
 - e. The identity of the custodian of such documents.

19. Has this defendant made available to its employees a medical examination program to determine the absence or presence of asbestos-related illness or disease? If yes, state:
- a. Whether chest x-rays or pulmonary function tests were part of such program(s);
 - b. Whether participation in any such program was a mandatory condition of employment or was voluntary;
 - c. The inclusive years this program(s) was offered;
 - d. Whether this defendant has documents of such program(s);
 - e. The identity of the custodian of such documents.

20. Has any person filed a workers' compensation claim for asbestos-related injuries or diseases against this defendant or against any workers' compensation insurance carrier which provided coverage for this defendant? If yes, state the total number of such claims, and for the first 20 such claims, state:

- a. The date of such claim;
- b. The name of the claimant;
- c. The case number;
- d. The court in which the claim was filed;
- e. The identity of this defendant's custodian of documents evidencing such claims.

21. Have you been cited for or otherwise charged by a public agency with a violation in Pennsylvania or New Jersey of any statute, ordinance, safety order, regulation or law pertaining to asbestos exposure at your premises? For each occasion, identify:
- a. The citation;
 - b. The code section, safety order, statute or regulation for which you had been cited or otherwise charged;
 - c. The date(s) thereof;
 - d. The agency or other governmental unit which issued the citation or otherwise charged you;
 - e. All persons known to you with information relevant to the incident;
 - f. What was the ultimate resolution.

22. List all of the workers' compensation carriers which have covered your operations and include:
- a. The name of each carrier;
 - b. The inclusive dates you were covered;
 - c. The policy number(s);
 - d. Whether any claims have been made for asbestos-related illness or injuries;
 - e. When any claims for asbestos-related illnesses or injuries were made;
 - f. The title or occupation of each person making a claim for compensation for asbestos-related illnesses or injuries;
 - g. The name of each claimed illness or injury related to asbestos exposure for each claim made;
 - h. The names of the individuals who have made claims for asbestos-related illnesses or injuries.
 - i. Attach copies of any and all documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents which concern these claims, including but not limited to Notices of Injury.

23. Did your company:

- a. Publish company magazines, brochures and/or newsletters? If yes, list the names of the publications, dates up to 1989 which it was published, describe the content of each publication and produce copies of the same with your responses to these interrogatories.
- b. Perform industrial hygiene surveys concerning exposure to and/or inhalation of raw asbestos and/or asbestos containing products? If yes, list the dates the same were performed, describe the subject matter of each survey and state the results of each survey. Attach all documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents which relate to the performance of such surveys and the results of such surveys.
- c. Keep OSHA logs of asbestos-related injuries or illnesses? If yes, attach all such documents or describe such documents with sufficient particularity that they may be made the subject of a request for production of such documents.
- d. Keep medical and/or x-ray reports on employees who suffered or are suffering from asbestos-related illnesses or injuries. If yes, who is the custodian of those medical and/or x-ray reports and where are those x-ray reports kept? What is the inclusive time frame for which you have x-ray reports for your employees?
- e. Have you been the subject of any lawsuits for asbestos-related illnesses or injuries from employees or any other people who worked at any of your premises? If yes, list the names of the parties to the lawsuits, the dates filed, the claimed injuries, the court in which each lawsuit was filed, the court term and number and the outcome of each lawsuit.

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**DEFENDANT CERTAINTEED CORPORATION'S RESPONSES
TO REQUESTS FOR ADMISSIONS AND INTERROGATORIES**

Defendant CertainTeed Corporation, by its attorneys, hereby responds to plaintiff's Request for Admissions, as follows:

1. Admitted.
2. Denied.
3. CertainTeed has no log or registry or other source of information which would enable it to respond to this Request, and accordingly it is denied.
4. Admitted.
5. Admitted.
6. CertainTeed objects to this Request on the basis that it calls for a legal and/or medical conclusion, and accordingly it is denied.

7. CertainTeed objects to this Request on the basis that it calls for a legal and/or medical conclusion, and accordingly it is denied.

WILBRAHAM, LAWLER & BUBA



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