PENGAD-Bayonne,N.J.
PLAINTIFF'S EXHIBIT
BEA-42

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

Roger Dale Blake, *et al.*, Plaintiffs, v. **A-Best Products Co., *et al.*,** Defendants.	Case No. CV 96 01 0191 Judge George Elliott **DEFENDANT BEAZER EAST, INC.'S SUPPLEMENTAL ANSWERS TO PLAINTIFFS' MASTER SET OF INTERROGATORIES**

Defendant Beazer East, Inc. ("Beazer East") supplements its responses to Plaintiffs' Master Set Of Interrogatories Propounded To Defendant Beazer East, Inc. as follows:

GENERAL OBJECTIONS

Beazer East restates and incorporates by reference all of the General Objections set forth in Defendant Beazer East, Inc.'s Answers To Plaintiffs' Master Set Of Interrogatories and Defendant Beazer East, Inc.'s Amended Answers To Plaintiffs' Master Set Of Interrogatories.

SUPPLEMENTAL ANSWERS

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

(a) The date of each patent;

(b) The date the same was issued;

(c) The number of each patent application that is pending.

ANSWER: Beazer East claims no patents.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

(a) The name of the products tested and the date of each test.

(b) The name, address, and job classification or each individual who conducted such tests.

(c) The results of such tests.

ANSWER: Beazer East is unable to find any corporate records relating to any such tests.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blue prints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

(a) Identify each such written material or document.

(b) Identify each person who presently has possession of each such document.

(c) State where each such document is located.

ANSWER: Beazer East is unable to locate any records relating to any such testing.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

(a) The trade name of the product changed or modified.

(b) The nature of the change made and the date of such changes or modifications.

(c) The name, address, and job classification or each person in charge of making a change.

ANSWER: Inasmuch as Beazer East is unable to find any corporate records relating to any such tests, Beazer is unable to respond to this interrogatory. It logically

follows that if a party does not know of a test, it cannot answer an interrogatory asking what changes were made as a result of such test.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

(a) the names of the products tested and the dates of such tests.

(b) The name, address, and job classification of each person and/or agency conducting said tests.

(c) The results of such tests.

(d) Whether, as a result of any tests conducted, any products were removed from the market.

(e) The names of all products removed from the market as a result of said tests.

ANSWER: Beazer East has been unable to locate any corporate records relating to any such testing.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

(e) Not applicable.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

(a) The dates and nature of such studies.

(b) The names and addresses of persons conducting such studies.

(c) The purpose of such studies.

(d) Identify and list those persons to whom such reports were given and the date of such dissemination.

(e) State any publication or other written dissemination of the results of such studies.

(f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and

(g) Attach a copy of reports based upon such studies.

ANSWER: Beazer East has been unable to locate any corporate records relating to any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around asbestos products.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

(e) Not applicable.

(f) Not applicable.

(g) Not applicable.

23. Before placing in the market the asbestos-containing products that Defendant mined manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

(a) The date of said studies;

(b) What studies were done; and

(c) The titles of each study.

ANSWER: Beazer East has been unable to locate any corporate records relating to any such studies.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

(a) The date, place and nature or each and every test;

(b) The particular asbestos-containing products to which each test applied;

(c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and

(d) The persons to whom the results said tests were given and the date of each such dissemination.

ANSWER: Beazer East has been unable to locate any corporate records relating to studies in the field to determine the nature and extent of asbestos dust and/or fiber exposure to workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

(a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;

(b) The manner in which the Defendant, the Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;

(c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;

(d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;

(e) The name, address and job classification of the custodian of such information.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection:

(a) Koppers Company was generally aware of threshold limit values, maximum allowable concentrations and permissible exposure limits for asbestos as they were published and changed by the Federal and state governments from the incorporation of the company in 1944.

(b) Koppers Company became aware by reviewing state and federal regulations.

(c) Beazer East objects specifically to the argumentative nature of this subpart.

(d) See objection to subpart (c).

(e) See objection to subpart (c).

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers, including, but not limited to, gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East generally became aware that some

disease processes may be associated with exposure to asbestos fibers in the air when that information became available to the public.

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Attorneys for Defendant Beazer East, Inc.

CERTIFICATE OF SERVICE

The original of the foregoing was served by regular U.S. mail, postage prepaid, on Steven D. Wolens, Esq., counsel for plaintiffs, at Baron & Budd P.C., The Centrum, Suite 11, 3102 Oak Lawn Ave., Dallas, Texas 75219, this 14th day of April, 1998, and notice of the same was served on all counsel of record.

Attorney for Defendant Beazer East, Inc.

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VERIFICATION

The undersigned, on behalf of Defendant, Beazer East, Inc., formerly known as Koppers Company, Inc. hereby certifies that she is Assistant Secretary of Beazer East, Inc. and makes this Verification in that capacity; that the matters stated in the foregoing Beazer East's Supplemental Answers to Plaintiffs' Master Set of Interrogatories are not wholly within her personal knowledge and she is informed that there is no official of Beazer East, Inc. who has personal knowledge of all such matters, but that the discovery responses have been made based upon information assemble by authorized employees, and therefore, the undersigned is informed and believes that the discovery responses are true and correct and consistent with the applicable Rules of Civil Procedure.

Mary Dombrowski Wright

Mary Dombrowski Wright
Assistant Secretary
Beazer East, Inc.

Sworn before me this 9th day
of April, 1998

Maureen M Stetzer

Notary Public

Notarial Seal
Maureen M. Stetzer, Notary Public
Pittsburgh, Allegheny County
My Commission Expires July 3, 2000
Member, Pennsylvania Association of Notaries