

RECEIVED
JUL - 9 1986
LEGAL DEPT. - CIVIL DIV.
FILE ☐

PITNEY, HARDIN, KIPP & SZUCH
163 MADISON AVENUE
CN 1945
MORRISTOWN, N. J. 07960-1945
(201) 267-3333
ATTORNEYS FOR Defendant
Vista Chemical Company

URL 13084

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - PASSAIC COUNTY
DOCKET NO. L-020509-86

LOTTIE MEMICE, Individually
and as Executrix of the
Estate of JOSEPH MEMICE,
Deceased,

Plaintiff,

-vs-

PPG INDUSTRIES, INC., et al.,
Defendants.

Civil Action

AFFIDAVIT OF
W. C. KOLAR IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT

AFFIDAVIT

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

W.C. Kolar, being first placed under oath, deposes and says:

1. I am W.C. Kolar, Secretary, Vista Chemical Company (Vista).
2. As Secretary of Vista I have personal knowledge regarding the Company's records and affairs.
3. The Corporate Minute Book is maintained by me at 15990 North Barker's Landing Road, Houston, Texas.
4. Vista Chemical Company was incorporated as Disc Holdings, Inc. ("Disc") on October 4, 1983 under the laws of the state of Delaware.
5. The Company's name was changed from Disc to Vista Chemical Company ("Vista") by Amendment to the Certificate of Incorporation filed on November 2, 1983.
6. Vista's Restated Certificate of Incorporation was filed with the Secretary of State of Delaware on July 18, 1984.
7. Between the date of Vista's incorporation and July 20, 1984 Vista conducted no business activities other than activities necessary and appropriate to acquire certain assets of Conoco Chemicals Company, a division of Conoco Inc.
8. The Company acquired a portion of the assets of Conoco Chemicals Company, a division of Conoco Inc., through an asset purchase from E.I. Du Pont de Nemours and Conoco Inc. on July 20, 1984.
9. Prior to July 20, 1984, Vista did not manufacture or produce Vinyl Chloride Monomer (VCM), Polyvinyl Chloride (PVC) or any other product. Additionally Vista did not own any corporate entity which manufactured, produced, purchased or sold PVC, VCM or any other product.

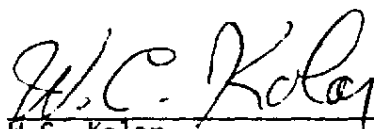
URL 13085

all?

10. Vista, although incorporated on October 4, 1983, did not manufacture, produce, purchase or sell VCM, PVC or any other product until July 20, 1984.

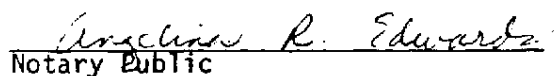
11. Vista did not assume or in any manner acquire any liabilities of Du Pont or Conoco for warranty claims, quality-related claims or product liability claims relating to products produced and shipped prior to July 20, 1984; and, further, Vista did not assume or in any manner acquire any liabilities of Du Pont or Conoco arising out of the ownership, use or operation of Conoco Chemicals assets prior to July 20, 1984.

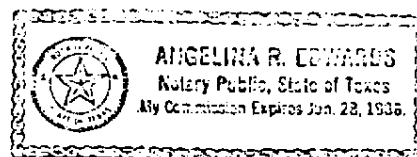
I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10th day of June, 1986.



W.C. Kolar
Secretary
Vista Chemical Company

SUBSCRIBED AND SWORN to before me, the undersigned authority, by the said W.C. Kolar, known to me to be the Secretary of Vista Chemical Company, on this 10th day of June, 1986.


Notary Public



URL 13086