

Subject: Fwd: Thermoseal

Date: Monday, June 13, 2011 3:37 PM

From: John Conard Metcalf <jmetcalf@simmonsfirm.com>

To: Conard Metcalf <jcmetcalf@comcast.net>

Begin forwarded message:

From: Yvette Scott <yscott@simmonsfirm.com>

Date: June 13, 2011 8:11:18 AM MDT

To: Perry Browder <pbrowder@simmonsfirm.com>, John Conard Metcalf <jmetcalf@simmonsfirm.com>

Cc: Rose Mullikin <rmullikin@simmonsfirm.com>

Subject: FW: Thermoseal

Perry,

Please see below regarding Richard Klinger. Did Anita ever reply on this?

From: Perry Browder

Sent: Monday, April 11, 2011 5:35 PM

To: Anita Kidd

Cc: Marty Mengarelli; Yvette Scott

Subject: FW: Thermoseal

Anita, please see the enclosed and give me a call when you get a chance. - Perry

From: Marty Mengarelli

Sent: Monday, April 11, 2011 5:12 PM

To: Perry Browder

Subject: Thermoseal

Perry,

I believe our research indicates that Thermoseal can be held liable for Richard Klinger.

Richard Klinger started making asbestos gaskets in the 1880's in Europe. They incorporated as a Delaware corporation (Richard Klinger, Inc.) in 1967. They applied to do business in Ohio in 1976. In the application they listed that they intend "To import, manufacture, sell, and deal in and with asbestos and asbestos products..."

In answering a complaint that was filed in Connecticut, Klinger stated that from 1977 to 1994 its principle place of business was 2350 Campbell Road, Sidney, Ohio. Furthermore, it stated that it ceased to conduct business at that location in 1994.

In 1994, Thermoseal, Inc. is incorporated in Ohio at the Klinger address in Sidney Ohio.

In 2003, when Richard Klinger, Inc., filed a change of name with the Delaware Secretary of State to change its name to Sidney Facility Management, Inc., it listed as its principle place of business the same Sidney Ohio address being used by Thermoseal at that time.

Our legal research has come up with 3 good arguments we could make to the court:

- 1) Thermoseal is a consolidation or merger of the two corporations;
- 2) Themoseal is merely a continuation of Klinger; and/or
- 3) The name change was merely a fraud in order to escape liability for Klinger.

Let me know how you want to proceed.

Marty

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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WILLIAM BARLOW, et al., : CASE NO. 3:08cv731-SRU
Plaintiffs, :
v. :
GENERAL ELECTRIC COMPANY, et al., :
Defendants. : JULY 17, 2008
ANSWER OF DEFENDANT RICHARD KLINGER INC.

Defendant Richard Klinger Inc., now known as Sidney Facility Management, Inc. ("SFMI"), answers the Complaint of William Barlow, et al., ("Plaintiffs") as follows:

JURISDICTION AND PARTIES

1. SFMI admits that it is a Delaware corporation and that its principal place of business is in Ohio. SFMI denies the remaining allegations of paragraph 1 of the Complaint for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

2.-3. SFMI denies the allegations of paragraphs 2 through 3 of the Complaint for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

4a.-4d. SFMI denies the allegations of paragraphs 4a through 4d of the Complaint for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.