

FILE NAME: Carlisle (CARL)

DATE: 1994

DOC#: CARL068

DOCUMENT DESCRIPTION: Legal - Supplemental Answers of Defendant to Plaintiffs' First Set of Interrogatories

IN THE CIRCUIT COURT
FOR THE EIGHTH JUDICIAL CIRCUIT
CASS COUNTY, ILLINOIS

ROSE G. SPEARS, As Special	)	
Administrator for WILLIAM	)	
SPEARS, deceased,	)	
	)	
Plaintiff,	)	No. 92 L 3
	)	
v.	)	
	)	
A.P. GREEN REFRACTORIES COMPANY,	)	
et al.,	)	
	)	
Defendants.	)	

**SUPPLEMENTAL ANSWERS OF DEFENDANT CARLISLE
CORPORATION TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant Carlisle Corporation ("Carlisle"), by its attorneys, hereby provides the following supplemental answers to plaintiff's first set of interrogatories.

I. PRELIMINARY STATEMENT

Answering defendant incorporates its preliminary statement from its answers to plaintiffs first set of interrogatories by reference as if it were set forth herein at length.

II. SUPPLEMENTAL ANSWERS TO INTERROGATORIES

3. Please describe Defendant's corporate history including any:

- (a) Mergers:
- (b) Consolidations;
- (c) Asset purchases;
- (d) Acquisitions; or

(e) Spinoffs.

ANSWER: On or about January 1, 1944, the Pharis Tire and Rubber Company of Newark, Ohio, acquired certain assets of Molded Materials, Inc., of Ridgeway, PA, which was a subsidiary of The Stackpole Corporation of St. Mary's PA. These assets were used in the production of brake lining products and operated as a division of the Pharis Tire and Rubber Company until a plan of liquidation was approved by the shareholders of the Pharis Tire and Rubber Company on October 27, 1948. As part of the liquidation process, shareholders of the Pharis Tire and Rubber Company exchanged stock for shares of Carlisle Corporation. Carlisle Corporation had previously been a subsidiary of Pharis and the assets of the Molded Materials Division had been transferred to Carlisle Corporation. From 1948 to 1982, this business unit was known either as Molded Materials Company of Molded Materials Division and was operated as an unincorporated division of Carlisle Corporation. In 1982 its name was changed to Motion Control Industries and on December 30, 1986, was incorporated in Delaware as a wholly owned subsidiary of Carlisle Corporation, as Motion Control Industries, Inc.

5. Has defendant ever engaged in the mining, manufacturing, selling, marketing, or distribution of asbestos-containing products including brake linings, clutches, or any automotive friction products? If your answer is "yes", please state the following as to each product:

ANSWER: See answering defendant's answers to plaintiff's first set of interrogatories, paragraphs 5 (a)-(f), (i) and (k).

(g) The percentage of asbestos it contained.

ANSWER: Chrysotile was the only type of asbestos fiber used in the manufacture of the defendant's asbestos-containing brake linings and blocks. The amount of chrysotile varied according to the formulation, which, in turn, depended on the product and the technical requirements of the customer. The formulations for the defendant's brake

linings and blocks are valuable, proprietary information, and are disclosed within the company only as needed. These formulations are the result of decades of investment of time, money and technical experience. Disclosure of such information would put this defendant at a competitive disadvantage because domestic and foreign competitors could duplicate these products or improve their products and production methods without make a corresponding investment and without having to compensate answering defendant for its efforts. By way of answer, but without waiving this objection, answering defendant's asbestos-containing brake linings contained between approximately 15% and 60% chrysotile asbestos at the time of manufacture, depending on the formulation and intended use.

(h) The percentage of asbestos by asbestos type (Amosite, Chrysotile, Tremolite and Anthrophyllite [sic]).

ANSWER: See answer to interrogatory 5(g).

(k) Whether defendant has supplied it to other companies for resale, marketing and/or relabelling and/or distribution, and if so, as to each company, please state:

- (1) The name and address of the company;
- (2) Whether the company resold, relabeled, marketed and/or distributed each product;
- (3) The dates of their reselling, marketing, relabeling, or distribution.

ANSWER: Answering defendant incorporates its previous answer, with objections and supplements it as follows. For many of the years its brake linings contained asbestos much of this defendant's sales were to customers around the country who were in the business of reselling the products to others, including "marketing", if they did any. By way of further answer, this defendant continues to sell brake linings to customers of this type. We have no reasonable way to recreate the specific historical records of sales to all such purchasers. If plaintiff seeks historical sales information as to any specific purchaser, answering defendant will

further supplement this answer, if any historical sales information can be located as to that purchaser.

6. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or seller, concerning any asbestos-containing products and/or materials?

(a) The name of the other company;

(b) With regard to each other company, whether Defendant was a buyer or seller;

(c) The trade name affixed to such products.

(d) The effective and ending dates of each such agreement;

(3) The purchaser of such products.

ANSWER: Answering defendant is not aware of any such agreements.

SCHIFF HARDIN & WAITE

By: 

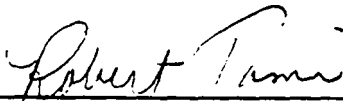
Attorneys for Defendant
Carlisle Corporation

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CERTIFICATION IN LIEU OF AFFIDAVIT

Robert Tami, being of full age, deposes and states as follows:

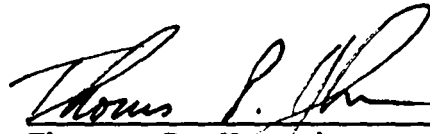
1. I am employed by Motion Control Industries, a subsidiary of Carlisle Corporation.
2. I am authorized to take this affidavit on behalf of Carlisle Corporation.
3. I have reviewed the foregoing answers to plaintiffs' interrogatories, and they are true to the best of my knowledge, information and belief. The language is that of counsel.
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment


ROBERT TAMI

Date:

CERTIFICATE OF SERVICE

Thomas P. Heneghan, an attorney, hereby certifies that on January 19, 1994, he caused a copy of Defendant Carlisle Corporation's Supplemental Answers to Plaintiff's First Set of Interrogatories to be served on all counsel of record by placing the same in a U.S. Mail depository at 233 South Wacker, Chicago, Illinois, properly addressed and with postage prepaid.



Thomas P. Heneghan