

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

HOYT HARMON WHITTLE AND	:	CASE NO.: 474701
GERALDINE WHITTLE,	:	
Plaintiffs,	:	(JUDGE HARRY A. HANNA)
	:	
	:	
A-BEST PRODUCTS COMPANY, ET AL.,	:	
	:	
Defendants.	:	

**CONGOLEUM'S ANSWER TO
PLAINTIFFS' MASTER SET OF INTERROGATORIES PROPOUNDED TO
CONGOLEUM CORPORATION**

TO:

INSTRUCTIONS & DEFENITIONS:

For the sake of brevity, Plaintiffs' Instructions and Definitions are not reprinted herein.

COMPLIANCE WITH DISCOVERY

These responses are based on an ongoing review of Congoleum Corporation's ("Congoleum") documents and information obtained from ongoing discussions with various Congoleum personnel over a period of years. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. Therefore, Congoleum reserves the right to amend these responses if more accurate information becomes available. No single employee, officer or agent of Congoleum has direct knowledge of the documents necessary to supply each and every answer. The person signing these Answers to Interrogatories and Response to Request for Production does so to satisfy whatever requirements may exist under the applicable rules. The person may not, however, have direct knowledge regarding any

specific answer, but is informed that the review of the documents and discussion referred to above support the answers based on the information as of the date of the signature.

Congoleum reserves the right to revise, correct, supplement and/or amend its answers to provide information discovered subsequent to the answers contained herein. Congoleum reserves the right to assert additional objections and to clarify, amend, or modify these responses at any time, as deemed necessary and appropriate by Congoleum. Congoleum reserves the right to object to the use of these documents at trial or any other proceeding as deemed necessary and appropriate by Congoleum.

GENERAL OBJECTIONS

Congoleum objects to the plaintiffs' definitions to the extent that they alter the normal usage and understanding of the definition of a word and may lead to confusion. Congoleum's Answers reflect the normal usage of a word as opposed to plaintiffs' definitions.

Congoleum objects on the basis that these Interrogatories are argumentative in that they assume the Congoleum products which contained asbestos created a health hazard, which Congoleum denies. Congoleum objects to these Interrogatories on the basis that they are overly broad, unduly burdensome, harassing and not calculated to discover relevant and material evidence, in that they are not confined to the products to which Plaintiff claims exposure.

Congoleum objects to these Interrogatories on the basis that they are vague and ambiguous. Interrogatories relating to certain diseases fail to provide facts relating to amount of exposure, duration of exposure, fiber type in exposure, and latency period.

Also, Congoleum objects on the basis that the Interrogatories are overly broad in that they tend to group together all of the defendants.

Without waiving any of the foregoing objections, Congoleum states as follows:

ANSWERS TO INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER:

Donald Golemme, Congoleum Corporation, 3500 Quakerbridge Road, Mercerville, NJ 08619.

1967 - Assistant Credit Manager

1976 - Credit Manager

1986 - Credit Manager and Risk Manager

1993 to present - Risk Manager

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and harassing. Subject to and notwithstanding said objection, all documents containing potentially relevant information were reviewed prior to the preparation of these answers to interrogatories.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;

- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

Yes.

- (a) Congoleum Corporation
- (b) Delaware
- (c) 3705 Quakerbridge Road, Mercerville, New Jersey.
- (d)-(e) Congoleum is not claiming that this Court lacks personal jurisdiction or disputing service.

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition;

- (a) if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos-containing products into the stream of commerce or the insuring of asbestos-related risks, then please state the following as to each acquisition;
- (b) the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (c) the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (d) the date of each such acquisition;
- (e) the state in which each such acquisition was effected;
- (f) the state law governing each such acquisition if specified by contract;

- (g) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (h) identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER.

- (a) through (g) See Exhibit 1: Congoleum Corporation corporate history and description.
- (h) Congoleum objects to this interrogatory as being overly broad, unduly burdensome, and harassing.

4. Please state whether or not Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following;

- (a) the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- (b) the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- (c) the date of each such acquisition;
- (d) the state in which each such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract;
- (f) whether Defendant became legally responsible for the past torts of each such corporation or entity;
- (g) whether the acquisition concerned asbestos-containing products.

ANSWER:

See Congoleum's Answer to Interrogatory No. 3 and Exhibit 1.

4.1 For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos-containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant state;

- (a) the name of the entity involved in the placing of asbestos products into the stream of commerce;
- (b) the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- (c) the specific products placed into the stream of commerce by the entity, year by year and by brand or trade name;
- (d) the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously, including the positions held with the entity and with the answering Defendant.

ANSWER:

Congoleum objects to this Interrogatory on the basis that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objection, see Exhibit 1.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following;

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, Defendant's subsidiary or some other entity related to Defendant);

- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
- (1) The trade or brand name.
 - (2) Its identification number (model, serial number, etc.).
 - (3) The time period it was manufactured, mined, marketed, distributed or sold.
 - (4) Its physical description including color, general composition, and form.
 - (5) A detailed description of its intended use and purpose.
 - (6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - (7) The percent of asbestos which it contained.
 - (8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite, chrysotile).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER:

Congoleum objects to this interrogatory on the grounds of irrelevance to the extent that it seeks information regarding Defendant's predecessor, Defendant's subsidiary, or some other entity

related to Defendant. Subject to and without waiving said objection, Congoleum answers as follows: Congoleum has engaged in the manufacturing, selling, marketing, and distribution of asbestos-containing products. Congoleum has not mined or installed asbestos containing products.

(a) Asphalt tile products were manufactured under the Congoleum-Nairn logo from 1947 to 1968 and under the Congoleum logo from 1969 to 1971. Vinyl tile products were manufactured under the Congoleum-Nairn from 1952 to 1968 and under the name Congoleum from 1969 to 1975. Congoleum-Nairn countertop material was manufactured from 1952 to 1960. Congoleum-Nairn sheet flooring products were manufactured under Congoleum-Nairn from 1952 to 1960 and 1965 to 1969, and under Congoleum's label from 1969 to 1983. Congoleum possess no sales records which would further specify the requested information. Congoleum and its predecessors manufactured asbestos-containing flooring products beginning in 1947. Congoleum ceased the production of all tile products in 1974. Congoleum ceased the manufacture of asbestos containing flooring products in 1983.

(b)

- (1) The trade names of Congoleum's products which were manufactured, sold, marketed, or distributed may be found in Congoleum's pattern books which are available for inspection upon request, at a mutually convenient date and time, and at requesting party's expense.
- (2) See Congoleum's Answer to Interrogatory 5(b)(1).
- (3) See Congoleum's Answer to Interrogatory 5(a).
- (4) A description or image of the physical appearance of each product may be found in Congoleum's pattern books which may be copied upon request, at a mutually convenient date and time, and at requesting party's expense. A written description of the hundreds of products Congoleum manufactured is neither feasible, nor practical, and requiring such a written description would impose an unreasonable and unnecessary burden on Congoleum when pattern books are available for copying. As for general composition, see further Answers to Interrogatory No. 5, below.
- (5) Congoleum flooring products were designed and intended to be used as commercial and residential flooring. Congoleum countertops were intended to be used as commercial and residential countertops. The firechek product was intended to be used as a wall covering or bulletin board.
- (6) Congoleum six-foot and twelve-foot sheet vinyl was packaged in plain brown paper with wooden side packing, or in cardboard boxes. Congoleum tile products came packaged in cardboard boxes. Congoleum's six-foot paper-wrapped sheet products and cardboard boxes were marked with the Congoleum logo.
- (7) Upon information and belief Congoleum's asphalt asbestos tile contained 25 percent to 35 percent asbestos. Vinyl asbestos tile contained approximately 15 percent to 20 percent asbestos from 1952 through 1962, at which time the asbestos content was reduced to approximately 0.05 percent. Congoleum vinyl asbestos sheet material contained 15 percent to 20 percent asbestos. The felt backing on some Congoleum sheet flooring

contained approximately 85 percent asbestos.

- (8) Chrysotile asbestos is the only type of asbestos used in Congoleum's asbestos containing flooring products.
- (c) See Congoleum's Answer to Interrogatory 5(b)(3).
- (d) See Congoleum's Answer to Interrogatory 5(b)(7). Further answering, the exact chemical composition and specifications of the products are proprietary information and trade secrets of the company. However in the spirit of cooperation the general formula mixed used in manufacturing the flooring products is as follows, with Congoleum's Answer to Interrogatory 5(b)(7) incorporated as well.

Asphalt and vinyl asbestos tile products were of a uniform composition through the entire thickness of the flooring product. Vinyl asbestos tile products were manufactured by combining vinyl resins, plasticizers, fillers, binders, pigments and asbestos. The mixture was formed into a sheet and cut into tiles. Asphalt tile products were manufactured by combining binders, fillers, pigments, asphalt, and asbestos.

Inlaid vinyl sheet goods consisted of a vinyl design and wear layer on a support web or felt sheet. The design and wear layer was manufactured by mixing together, through a trade secret process, vinyl resins, plasticizers, pigments, binders and fillers. The support sheet was manufactured by combining asbestos, fillers and binders.

Cushioned inlaid vinyl sheet goods were manufactured in a fashion similar to inlaid vinyl sheet goods, except for the addition of a foam cushion layer. The design and wear layer and foam cushion layer did not contain asbestos. The support sheet was manufactured as set forth above.

Homogeneous vinyl sheet goods and vinyl countertops were of uniform composition manufactured by mixing together, through a trade secret process, vinyl resins, plastisizers, pigments, fillers and asbestos.

Chemically embossed vinyl sheet goods contained 4 layers: a backing or support sheet, a foam cushion layer, a design layer and a clear wear layer. The support sheet was manufactured as set forth above. The other layers did not contain asbestos.

Vinyl sheet flooring contained 3 layers: a backing or support sheet, a design layer and a clear wear layer. The support sheet was manufactured as set forth above. The other layers did not contain asbestos.

Additionally, Congoleum developed an asbestos-containing wall-covering named "firechek." The firechek product was a vinyl foam composition sheet laminated to an asbestos backing sheet for use as a wall covering or bulletin board.

- (e) Congoleum objects to this interrogatory on the grounds that it is unduly burdensome, overly broad, and more properly the subject of expert testimony. Further answering, see Congoleum's Answer to Interrogatory No. 5(b)(4).
- (f) See Congoleum's Answer to Interrogatory No. 5(b)(4).

(g) See Congoleum's Answer to Interrogatory No. 5(b)(5).

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 same was issued;
- (c) The number of each patent application that is pending.

ANSWER:

Yes.

- (a) - (b) Responsive documents will be produced upon request, at a mutually convenient date and time, and at requesting party's expense.
- (c) Not applicable: Congoleum no longer manufactures asbestos-containing products.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER:

Yes. See Congoleum's Answer to Interrogatory No. 5. Also, the elimination of asbestos was a management decision, based on multiple factors, including cost savings, quality control, marketing considerations, and risk assessment issues.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.

- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER:

Yes.

- (a) Congoleum sold both asbestos and non-asbestos containing sheet goods to Sears, Roebuck & Co. intermittently from 1963 to 1983 for distribution under the Sears label.
- (b) See Congoleum's Exhibit 2 attached.
- (c) Congoleum Corporation is unable to determine date of sale for its products, and cannot determine from existing records the quantity of product given to and sold by each distributor. Investigation continues.
- (d) Unknown; investigation continues.
- (e) See Congoleum's Answer to Interrogatory No. 8(c).
- (f) See Congoleum's Answer to Interrogatory No. 8(c).
- (g) None; investigation continues.

8.01 Has Defendant ever purchased asbestos-containing products from any other Defendant?

ANSWER:

No.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant from whom this Defendant purchased any asbestos-containing product;
- (b) list each product purchased from each co-Defendant;
- (c) list the dates of each purchase of asbestos containing products from each co-Defendant.

ANSWER:

Not applicable.

8.03 Has Defendant ever sold asbestos-containing products to any other Defendant?

ANSWER:

Congoleum sold its products through distributors; therefore, Congoleum does not know the identity of the purchasers of its products.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each Defendant to whom this Defendant sold any asbestos-containing product;
- (b) list each product sold to each co-Defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-Defendant.

ANSWER:

Not applicable.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930? If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of Defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving said objection, Congoleum responds that it is not, and has not been, in the business of insulation products.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer; (b) the product's trade and brand name;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

ANSWER:

Investigation continues.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto? If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER:

No. Congoleum, which sold its products through distributors, has no records or independent knowledge of where its products were used.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold these products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A:

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Identify all documents relating to the sales to each such company.

ANSWER:

None.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;

- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER:

- (a) See Congoleum's Exhibit 2.
(b) Unknown.
(c) Unknown.
(d) Unknown.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
(b) The location of such records.

ANSWER:

No.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
(b) The period of time they acted as your representative;
(c) Their general responsibility as to each facility;
(d) Whether that person is still alive; and

- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

Congoleum did not have any sales representative who called on the sites listed on Plaintiff's Exhibit A. Congoleum objects to inquiries regarding its distributors, as that information is beyond the scope of Congoleum's knowledge.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

Congoleum had no personnel responsible for installation. As for managers or sales persons who communicated with distributors, their identities are unknown; investigation continues.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER:

No.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER:

No. -

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER:

Congoleum's vinyl asbestos tile products were manufactured at Kearny, New Jersey; and laid sheet vinyl goods were manufactured in Wilmington, Delaware in Trenton, New Jersey; other vinyl sheet goods were manufactured in Trenton, New Jersey, and Marcus Hook, Pennsylvania; and the docking or support sheets were manufactured at Congoleum's Cedarhurst Plant in Finksburg, Maryland. Congoleum's Kearny, New Jersey Plant ceased operation in 1974.

13. Has Defendant, at any time, entered into a 'rebranding' agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;

- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER:

Congoleum sold both asbestos and non-asbestos containing sheet goods to Sears, Roebuck & Co. intermittently from 1963 to 1983 for distribution under the Sears label.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear-out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction of tear-out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

No.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;

- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER:

Congoleum did not maintain samples of all packaging material. Further answering, Congoleum issued product catalogs and other advertising materials during each of the years it manufactured asbestos-containing flooring products. Copies of some, but not all, of those documents presently exist and will be produced upon request and at the requesting party's expense, at a mutually convenient date and time. Also Congoleum's pattern books, which may contain information responsive to this request, will be made available for inspection and/or copying upon request, and at a mutually convenient date and time, and at requesting party's expense.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER:

Congoleum employees involved in the development of its flooring products include Robert Petry, William Powell, Michael Sapienza, Lee Kolker, Harold Shortway, Leonard Ludovico, and Anthony Piacente. Investigation continues.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

ANSWER:

Responsive documents, such as installation instructions, will be produced upon request, at a mutually convenient date and time, and at requesting party's expense, and may have already been produced in Congoleum's Exhibit binders.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Congoleum objects to this interrogatory as being argumentative, calling for a conclusion, and being more properly the subject of expert testimony.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

Copies of some, but not all, research and development documents presently exist, and may be made available to requesting party, at a mutually convenient date and time, and at requesting party's expense. Donald Golemme is the custodian of said documents.

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 of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, Congoleum states as follows: while Congoleum has not conducted or engaged or participated in tests specifically concerning the human health consequences of a person coming in contact with and/or inhaling asbestos fibers or asbestos dust during the manufacture and/or use of asbestos products, Congoleum has conducted, funded, and/or participated in tests regarding the release of asbestos fibers from products.

- (a) Congoleum performed testing on asbestos-containing sheet flooring to measure the release of asbestos-fibers during a variety of applications. These tests were performed in January, 1975 and March, 1989.
- (b) Testing was conducted in 1975 by Martin Senddecki, former Manager of Safety and Environmental Protection.
Testing was conducted in 1989 by Michael Sapientza, Vice-President of Purchasing.
- (c) Copies of the test results will be produced upon request and at the requesting party's expense.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), 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 of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

See Congoleum's Answer to Interrogatory 18.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints 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:

Yes. Congoleum has, independently and through its membership and the resilient Floor Covering Institute, conducted and/or sponsored testing of flooring products for potential fiber release in a wide variety of occupational studying and situations. The reports generated from those tests are included in Congoleum's exhibit binders and delineated below. Copies of Congoleum's exhibit binders will be made available at a mutually convenient date and time.

1. M.J. Sendeki, Installer Exposure – Asbestos, January 28, 1975.
2. Walcott and Warrick; Comparison Testing Monitoring for Airborne Asbestos Fibers: Sheet Vinyl Floor Covering, Wet Versus Dry Scraping; November 1979 (sponsored by RFCI).
3. Walcott and Warrick; Monitoring for Airborne Asbestos Fibers: Sheet Vinyl Floor Covering, December 1979 (sponsored by RFCI).
4. Walcott and Warrick; Comparison Testing Monitoring for Airborne Asbestos Fibers: Sheet Vinyl Floor Covering, Wet Versus Dry Scraping, December 1979 (sponsored by RFCI).
5. Walcott and Warrick; Comparison Testing Monitoring for Airborne Asbestos Fibers; Vinyl Asbestos Floor Tile, December 1979 (sponsored by RFCI).
6. Walcott and Warrick; Monitoring for Airborne Asbestos Fibers: Vinyl Asbestos Floor Tile, December 1979 (sponsored by RFCI).
7. ENVIRON Corp., Analysis of Measurements of Airborne Fibers During Removal of Resilient Floor Tiles Using Recommended Work Practices, December 13, 1988 (sponsored by RFCI, et al.).
8. M.A. Sapienza, Air Monitoring Study Sheet Vinyl Flooring Removal, March 1989 (sponsored by Congoleum Corporation).
9. ENVIRON Corp., Evaluation of Worker Exposure to Airborne Fibers During Solvent Assisted Removal of Resilient Floor Tiles Using Recommended Work Practices, April 3, 1989 (sponsored by RFCI, et al.).
10. ENVIRON Corp., Evaluation of Worker Exposure to Airborne Fibers During the Removal of Asphaltic Cutback Adhesive Using Recommended Work Practices, March 30, 1990 (sponsored by RFCI, et al.).
11. ENVIRON Corp., *Evaluation of Worker Exposure to Airborne Fibers During the Removal of Resilient Sheet Vinyl Floor Covering Using Recommended Work Practices*, March 30, 1990 (sponsored by RFCI, et al.).

12. ENVIRON Corp., Evaluation of Exposure to Airborne Fibers During Maintenance of Asbestos-Containing Resilient Floor Tiles Using Recommended Work Practices, September 10, 1990 (sponsored by RFCI, et al.).
13. ENVIRON Corp., Evaluation of Exposure to Airborne Fibers During Removal of Asbestos-Containing Resilient Floor Tiles Using Equipment Supplied by Fall Engineering, Inc., October 26, 1990 (sponsored by RFCI, et al.).
14. ENVIRON Corp., Evaluation of Exposure to Airborne Fibers During Solvent Assisted Removal of Asphaltic Cutback Adhesive After Removal of Resilient Floor Tiles Using Recommended Work Practices, October 26, 1990 (sponsored by RFCI, et al.).
15. ENVIRON Corp., Evaluation of Exposure to Airborne Fibers During Removal of Asbestos-Containing Resilient Floor Tiles Using Equipment Supplied by UAS Automation Systems, October 26, 1990 (sponsored by RFCI, et al.).
16. ENVIRON Corp., Evaluation of Exposure to Airborne Fibers During Removal of Asbestos-Containing Resilient Floor Tiles Using Equipment Supplied by Fall Engineering Inc., October 26, 1990 (sponsored by RFCI, et al.).
17. ENVIRON Corp., Evaluation of Worker Exposure to Airborne Fibers During Removal of Resilient Floor Coverings & Asphaltic Cutback Adhesives Using Recommended Work Practices, May 1, 1992 (sponsored by RFCI, et al.).
18. Boelter, Asbestos Content of Floor Tiles, July 17, 1998 (sponsored by Congoleum Corporation).
19. Boelter, Fiber Release Rate Study Cutting Resilient Sheet Flooring with a Straight Razor Knife, November 29, 1999 (sponsored by Congoleum Corporation).
20. Boelter, Fiber Release Rate Study Cutting Resilient Sheet Flooring with a "Linoleum" Knife, November 30, 1999 (sponsored by Congoleum Corporation).
21. Boelter, Cutting New Resilient Sheet Flooring with a Straight Razor Knife and Linoleum Knife, January 7, 2000 (sponsored by Congoleum Corporation).
22. Boelter, Installation 1970 Vintage Congoleum Vinyl Asbestos Tile, June 20, 2002 (sponsored by Congoleum Corporation).
23. Boelter, Partial Removal 1970 Vintage Congoleum Vinyl Asbestos Tile Residential Bathroom, June 24, 2002 (sponsored by Congoleum Corporation).
24. Boelter, Partial Installation 1970 Vintage Congoleum Vinyl Asbestos Tile Residential Bathroom, June 24, 2002 (sponsored by Congoleum Corporation).
25. Boelter, Complete Removal 1970 Vintage Congoleum Vinyl Asbestos Tile Residential Bedroom, June 26, 2002 (sponsored by Congoleum Corporation).
26. Boelter, Complete Removal 1970 Vintage Congoleum Vinyl Asbestos Tile Residential Bathroom, June 27, 2002 (sponsored by Congoleum Corporation)

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 of each person in charge of making a change.

ANSWER:

No.

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 said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said 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:

Yes.

(a) – (c): see Congoleum's Answer to Interrogatory No. 19.

(d) No.

(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 relabeled 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:

No; however studies were done regarding the release, if any, of asbestos dust/fibers; see Congoleum's Answer to Interrogatories Nos. 18 and 19.

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:

Congoleum objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objection, see Congoleum's Answer to Interrogatory Nos. 18 and 19.

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 of 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 such dissemination.

ANSWER:

Yes. See Congoleum's Answer to Interrogatory No. 19. Further stating, Congoleum has, independently and through its membership in the Resilient Floor Covering Institute (RFCI) (December 1975 through September 1980, and February 1987 through the present), conducted and/or sponsored testing of flooring products for potential fiber release in a wide variety of occupational settings and situations. The reports generated from those tests are included in Congoleum's Exhibit Binders and delineated below. Copies of Congoleum's Exhibit Binders will be made available upon request and at the requesting party's expense.

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, 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:

Congoleum objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and properly the subject of expert testimony, and to the extent that it seeks information about Congoleum's predecessor or subsidiary companies. Subject to these objections, and without waiving same, Congoleum states as follows:

- (a)-(b) Congoleum became generally aware of the potentially adverse health effects related to excessive asbestos exposure around the early 1970s from reports in the public media, information received from asbestos suppliers, and OSHA regulations relating to asbestos usage in the workplace.
- (c) See Congoleum's Answers to Interrogatories Nos. 18, 19, 47.3.
- (d) Yes.
- (e) Donald Golemme, Risk Manager, 3500 Quakerbridge Road, Mercerville, NJ 08619

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:

Congoleum cannot identify the exact date when it became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis, mesothelioma or lung cancer. Congoleum became generally aware around the early 1970's that excessive exposure to asbestos fibers had the potential to cause adverse health effects. Congoleum received this information from the published OSHA regulations, reports in the public media, and from information published or transmitted by suppliers of asbestos fibers. Congoleum has never received information relating exposure to asbestos flooring materials to the conditions and diseases identified in this Interrogatory.

Congoleum became aware in the late 1980's that individuals were claiming excessive exposure to asbestos fibers could cause gastrointestinal cancer, laryngeal cancer, pharyngeal cancer and other cancers. Congoleum does not admit such diseases are related to asbestos exposure. Congoleum is aware there is controversy and disagreement in the medical profession

whether or not inhalation of asbestos fibers can cause or contribute to the diseases listed in this Interrogatory.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is harassing, unduly broad, and unreasonably burdensome. Subject to and without waiving said objection Congoleum answers as follows: Congoleum did not employ any persons for research, investigation or study concerning asbestos-related diseases. Those retained for the purposes of consulting include some referenced in Congoleum's Answer to Interrogatory No. 19. Congoleum has, at times, employed a company nurse, however, that employee's duties have not focused on asbestos related issues. Congoleum has not had a formal medical department. Congoleum has hired consultants, and also had medical programs and physicians available to its employees. Congoleum did have a medical examination program which was offered to employees who handled/were exposed to asbestos and/or asbestos products. Employee participation in the medical examination program was optional.

Congoleum had employees in research and development who worked with asbestos in the 1950s though 1980s. Investigation continues.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER:

See Congoleum's Answer to Interrogatory No. 27.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

Yes. Congoleum has copies of reports of air-sampling studies performed by Liberty Mutual Insurance Company. Congoleum received one of the air-sampling studies in 1970, but cannot determine when it received the remaining studies. These surveys were done at the manufacturing facility during the manufacturing process and are not related to the use or installation of asbestos-containing flooring materials. See also Congoleum's Answer to Interrogatory Nos. 19 and 24. Investigation continues. Responsive documents, to the extent that they exist, will be produced upon request, at a mutually convenient date and time, and at requesting party's expense.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, Congoleum has maintained a library containing some materials relating to health and safety. Congoleum cannot determine the precise year its library was established. Congoleum does not maintain an inventory of the periodicals contained in its library. Congoleum's library will be made available for inspection upon request and at the requesting party's expense.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER:

No. Congoleum is not knowledgeable as to information received by its consultants.

30.2 Has Defendant, or any engineer, industrial hygienist or physician in Defendant's employ, been a member in any professional group, trade group or any of the following groups:

American Ceramics Society

Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- (a) The name of the group or groups in which Defendant or individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years Defendant or individual(s) were members of the groups;
- (d) Whether Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER:

Yes; although Congoleum is only aware of organizations to which it belonged as a Corporation. Congoleum objects to this Interrogatory to the extent it inquires about groups to which any individual employees may have had individual memberships.

- (a) Congoleum has been a member of the Asbestos Information Association/North America and the Resilient Floor Covering Institute.
- (b) Michael Sapienza is the person most knowledgeable about Congoleum's participation and the AIA/NA and RFCI. Congoleum's participation in the RFCI included membership on the Board of Directors and the Technical Affairs Committee. Representatives who have participated during Congoleum's membership include the following:
 - H. Pearson, former President;
 - R. Sturdevant, former Vice-President;
 - W. Powell, former Quality Manager;
 - J. Stetson, former Vice-President;

S. Feller, former Chemist;
L. Haemer, former Installation Department Manager;
F. McKinney, former Senior Vice President of Sales and
Marketing;

Congoleum's participation in the AIA/NA included membership on the Executive and Technical Committees. Representatives who participated during Congoleum's membership included the following:

R. Rucker, Director of Environmental Affairs;
N. DeCandia, former Vice President of Manufacturing;
M. Sendecki former Manager of Safety and Environmental
Protection;
F. Morton, Chemist;
J. Stetson, former Vice President.

- (c) Not applicable. Congoleum was a member as a corporation. Congoleum is not aware of to which organizations its individual employee belonged, if any. The years of Congoleum's membership were as follows:

Asbestos Information Association/North America from 1972
through 1984;
Resilient Floor Covering Institute from December of 1975 through
September of 1980, and February 1987 through the present.

- (d) Not applicable. See Congoleum's answer to Interrogatory 30.2(c).

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiving same, see Congoleum's Answer to Interrogatory No. 19.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER:

See Congoleum's answer to Interrogatory No. 19; further stating, the reports generated from those tests are included in Congoleum's exhibit binders, which will be given to Plaintiffs' counsel with these Answers, if they are not currently in Plaintiffs' possession.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Congoleum states that despite a reasonable and good faith effort to obtain the requested information, Congoleum has been unable to verify when it first became aware of ACGIH threshold limit values or maximum allowable concentrations for asbestos.

33.1 State whether Defendant at any time conducted, caused to be conducted, or had conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER:

- (a) Congoleum has reports of in-house air sampling from 1972 and 1989.
- (b) Congoleum's in-house air sampling was conducted by J.F. Morton and M.A. Sapienza.
- (c) Congoleum is in possession of reports of air sampling performed in Finksburg, Maryland, Trenton, New Jersey and Kearny, New Jersey.
- (d) Copies of the air sampling reports will be produced upon request and at the requesting party's expense.

Further stating, Congoleum has copies of reports of air-sampling performed by Liberty Mutual Insurance Company. Congoleum received one of the air-sampling studies in 1970, but cannot determine when it received the remaining studies. These surveys were done at the manufacturing facility during the manufacturing process and are not related to the use or installation of asbestos-containing flooring materials. Copies of these air sampling or parts will be produced upon request and at the requesting party's expense.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER:

See Congoleum's Answer to Interrogatory No. 30. Further stating, Congoleum's personnel records reveal the following librarians;

Jane O'Boyle, Kearny, N.J., employed 1960 through 1977;
Doris Fair, Trenton, N.J., employed 1982 through 1983. They are no longer

Congoleum employees and their current locations are unknown.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER:

No.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER:

Congoleum may become aware of the article listed above during the course of the asbestos litigation. Congoleum has no indication that it received the article listed above in the regular course of business.

36.1 Did Defendant ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos-containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER:

No.

36.2 Did Defendant ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER:

No.

37. Please state whether Defendant at any time has been a member of any "trade organization" or "trade association" composed of other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER:

See Congoleum's answer to Interrogatory No. 30.2. Further stating, Congoleum possesses documents relating to its membership in the AIA/NA and the RFCI for the dates outlined above. Responsive documents, to the extent that they exist, will be produced upon request and at the requesting party's expense. Congoleum's knowledge of the printing of trade association periodicals and articles contained within is limited to the documents in its possession.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER:

See Congoleum's answer to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER:

See Congoleum's answer to Interrogatory No. 37.

40. Please state whether, prior to 1975, Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER:

Congoleum does not have any records for any such meetings. Congoleum may have attended meetings as part of its membership in the AIA/NA. Investigation continues.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;

- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

(a)-(g) In 1975, Congoleum issued the following warning:

Some resilient floor coverings and most felt backings contain asbestos fibers. When removing or covering over such floor covering UNDER NO CIRCUMSTANCES should it be sanded. Such sanding of asbestos-containing material can place fine particles of asbestos in the air which could cause serious bodily harm.

Where the practice has been to sand the surface of the existing floor covering, one of the following procedures should be followed:

Procedure A: Apply a strong solution of Spic and Span or Automatic Dishwasher detergent with a sponge mop to all areas where adhesive is to be applied. Let stand until all wax, dressing, grease or any other foreign substance has been soaked loose. Take up the solution with a sponge mop, rinse with clear water and allow to dry. Caution - keep hands out of the solutions unless you wear rubber gloves.

Procedure B: Wet scrub the areas where adhesive is to be applied with detergent and coarse steel wool pad or coarse scrubbing pad on a floor scrubbing or polishing machine. Rinse the floor with clear, clean water and allow to dry.

In 1981, Congoleum issued the following warning:

Warning. Do not sand existing resilient flooring, backing or lining felt. These products may contain asbestos fibers that are not readily identifiable. Sanding of asbestos-containing material can place fine particles of asbestos in the air. These

asbestos particles, if inhaled, may cause serious bodily harm.

In 1983, Congoleum issued the following warnings:

Warning: When preparing or removing old resilient floors to install new resilient floor covering, do not sand existing resilient flooring, backing or lining felt. These products may contain asbestos fibers that are not readily identifiable. Sanding of asbestos-containing material can place fine particles of asbestos in the air. These asbestos particles, if inhaled, may cause serious bodily harm.

Warning: Backings identifiable as containing asbestos fibers and most other unidentifiable backings contain asbestos. Under no circumstances should any technique which is likely to create dust such as sanding, scraping or grinding be employed when removing white shield or other unidentified backing, as the breathing of asbestos fibers may cause serious bodily harm.

In 1985, Congoleum issued the following warnings:

Warning: Some resilient floor coverings and most felt backings contain asbestos fibers. When removing or covering over such floor coverings, under no circumstances should it be sanded. Such sanding of asbestos containing material can place fine particles of asbestos in the air which could cause serious bodily harm.

Warning: White Shield and most other unidentifiable backings contain asbestos. Under no circumstances should any technique which is likely to create dust such as sanding, scraping or grinding be employed when removing White Shield or other unidentified backing, as the breathing of asbestos fibers may cause serious bodily harm.

White Shield and most other brands of felt backing can be removed from the subfloor by soaking with a 50/50 solution (equal volumes) of water and denatured alcohol.

In 1988, Congoleum issued the following warning:

Warning. Do not sand, abrade, or dry scrape existing resilient flooring, backing, or lining felt. These products may contain asbestos fibers which are not readily identifiable. Sanding, abrading, or dry scraping of asbestos-containing materials can place fine particles in the air. These particles, if inhaled, may cause serious bodily harm. Smoking significantly increases the risk of serious bodily harm.

In 1989, Congoleum issued the following warnings:

Warning. Do not sand, grind, abrade, dry scrape, bead blast or mechanically pulverize existing resilient flooring, backing, or lining felt. These products may

contain asbestos fibers which are not readily identifiable. Using the above non-recommended procedures on asbestos-containing material can place fine particles in the air. These particles if inhaled may cause serious bodily harm. Smoking greatly increases the risk of serious bodily harm.

Warning: Do not sand, dry scrape, bead blast or mechanically pulverize existing resilient flooring, backing, or lining felt. These products may contain asbestos fibers which are not readily identifiable. Using these non-recommended procedures on asbestos-containing material can create asbestos dust. The inhalation of asbestos dust may cause asbestosis or other serious bodily harm. Smoking greatly increases the risk of serious bodily harm.

Warning. Residual felt must be removed by wet scraping. Do not sand or abrade in any way. See Warning Statement.

Congoleum provided warnings to its distributors, placed warnings within the packaging of its flooring products and also distributed warnings through installation manuals and field installation seminars.

- (g) Copies of some, but not all, of Congoleum's warnings presently exist and will be produced upon request and at the requesting party's expense.
- (h) Donald Golemme, Risk Manager, 3500 Quakerbridge Road, Mercerville, NJ 08619
- (i) Unknown.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER:

Congoleum issued product catalogs and guides and other advertising during each of the years it manufactured asbestos-containing flooring products, from 1947-1983. Copies of some, but not all, of these documents presently exist and will be produced at a mutually convenient date and time. The custodian of these documents is Mr. Golemme, see Congoleum's Answer to Interrogatory No. 1.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

Yes. The products were accompanied with installation instructions and warnings. Responsive documents will be produced upon request, at a mutually convenient date and time, and at requesting party's expense. Congoleum's instructions complied with and were based upon RCFI recommended work practices. Mr. Golemme is the custodian of said documents, see Congoleum's Answer to Interrogatory No. 1.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

ANSWER:

Not applicable.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER:

- (a) through (d) Congoleum objects to this interrogatory on the ground that it is vague and confusing. Subject to and without waiving said objection, Congoleum does not believe that its products are or were dangerous to those who came into contact with them. The subject of this interrogatory is more properly the subject of expert testimony. Further answering, see Congoleum's test, studies, reports, recommended work practices, and Congoleum's previous interrogatory answers.
- (e) Not applicable.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit A, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER:

Congoleum is not aware if its products were at the sites was not exhibit A; however, warnings were provided to distributors, and were to be passed on to installers. Further answering see Congoleum's Answer to Interrogatory No. 41.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER.

No.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER:

Responsive documents to the extent that they exist, will be made available at a mutually convenient date and time, at the request of a party, and at requesting party's expense.

47.2 Has any person or company from which you purchased asbestos-containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

ANSWER:

Congoleum objects to this interrogatory as being overly broad, unduly burdensome, and beyond the scope of knowledge of Congoleum. Subject to and without waiving said objection, Congoleum has no knowledge of such activity.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, and unduly burdensome. Subject to and without waiving said objection, Congoleum states that, as early as 1971, and possibly before, Congoleum provided masks for use by employees. In 1982, uniforms were provided to employees at Congoleum Cedarhurst Facility and employees were instructed to wear them on work premises only. Also, Congoleum followed OSHA Regulations. Furthermore, information was given to employees regarding asbestos in the early 1970s. There were meetings at plants, brochures were handed out to employees, supervisors gave safety talks to employees and were given materials to distribute. Exact date and details relating hereto could not be ascertained from existing records. Investigation continues.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER:

This interrogatory is not applicable to Congoleum, who did not manufacture asbestos containing installation products. Further answering, see Congoleum's Answers to Interrogatory Nos. 19 and 41.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury or had sustained an abnormal x-ray reading as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER:

No.

48.1 Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacture, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER:

Congoleum's record retention policies will be produced upon request and at the requesting party's expense. Congoleum's current record custodian is Donald Golemme, see Congoleum Answer to Interrogatory No. 1.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent

who ordered, authorized or supervised such destruction or discard.

ANSWER:

Congoleum objects to this interrogatory on the ground that it calls for a speculation. Congoleum may not be aware of which documents it had before they were destroyed. Subject to and without waiving said objection, in accordance with its record retention policies, and due to the closing of Congoleum's tile plant in Kearny, New Jersey in 1974, some documents were destroyed in 1974. Mr. Golemme is the custodian of records, see Congoleum's Answer to Interrogatory No. 1.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Congoleum further objects to the extent this interrogatory calls for information that is protected as work product. Subject to these objections, and without waiving same, Congoleum states that there is no index or electronic database to these documents. Congoleum has compiled documents into exhibit binders which will be, or have already been, given to Plaintiffs' counsel.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?

- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Congoleum further objects to the extent this interrogatory calls for information that is protected as work product. Subject to these objections, and without waiving same, Congoleum states that there is no index or electronic database to these documents. Congoleum has compiled documents into exhibit binders which will be, or have already been, given to Plaintiffs' counsel.

49. Has Defendant obtained statements from any witnesses including Plaintiffs? If so, please:
- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER:

None other than depositions and interrogatory answers obtained during this case or contained within discovery received from plaintiffs and/or co-defendants.

50. Do you contend that Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set forth in detail in what respect the product was improperly used.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is overly broad, premature and seeks what is, at this time, privileged work product. Furthermore, discovery is ongoing, subject to the proof in this case and plaintiff's deposition. Congoleum reserves its rights under applicable governing rules to assert affirmative defenses and to file for Third-Party Cross-Claims on the issue of liability.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed

to or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is overly broad, premature and seeks what is, at this time, privileged work product. Furthermore, discovery is ongoing, subject to the proof in this case and plaintiff's deposition. Congoleum reserves its rights under applicable governing rules to assert affirmative defenses and to file for Third-Party Cross-Claims on the issue of liability.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER:

Congoleum objects to this interrogatory on the grounds that it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, and is more properly the subject of expert testimony. Further answering, Congoleum did not manufacture, design, or test respirators, masks or breathing devices.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity and last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER:

Congoleum has not yet determined which experts, if any, it will call to testify at trial. Congoleum will produce its expert witness list in accordance with the applicable rules of discovery. Congoleum will produce its expert reports, exhibit list, and exhibits in accordance with the applicable rules of discovery.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER:

See Congoleum's answer to Interrogatory 53.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER:

Yes.

55.1 For each and every affirmative defense asserted in Defendant's Answer to Plaintiffs' Complaint, or the cross-claims or counter-claims of any party against Defendant, state:

- (a) the facts upon which Defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER:

Congoleum objects to this Interrogatory on the grounds that it is overly broad, premature and seeks what is, at this time, privileged work product. Furthermore, discovery is ongoing, subject to the proof in this case and plaintiff's deposition. Congoleum reserves its rights under applicable governing rules to assert affirmative defenses and to file for Third-Party Cross-Claims on the issue of liability.

56. Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER:

Responsive documents, to the extent that they exist, will be produced at a mutually convenient date and time, upon request, and at requesting party's expense.

56.1 Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were Plaintiff or Defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER:

No.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER:

See Congoleum's previous interrogatory answers. Furthermore, discovery is ongoing, subject to the proof in this case and plaintiff's deposition. Investigation continues.

58. State the last date that Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER:

Congoleum possesses no sales records which would specify the requested information. Further answering, see Congoleum's Answer to Interrogatory No. 5.

Respectfully submitted,

By: _____
One of the Attorneys for Defendant

Kevin Kadlec
Bonezzi Switzer Murphy & Polito Co. L.P.A.
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526 Superior Ave.
Cleveland, Ohio 44114-1491
(216) 875-2767
Telecopier (216) 875-1570

CERTIFICATE OF SERVICE

The undersigned certifies an exact copy of the foregoing has been electronically filed on
this the ____th day of _____, 2002.

EXHIBIT A
BARON & BUDD SITE LIST

Residential Homes, Aiken, SC
Residential Homes, Edgefield, SC
Residential Homes, Lowell, OH
Residential Homes, Marietta, OH
Residential Homes, New Ellington, SC
Residential Homes, Parkersburg, WV
Residential Homes, St. Clairsville, OH
Residential Homes, Wheeling, WV
U.S. Naval Air Station, Jacksonville, FL
USS Amphion
USS Franks
USS Haverfield
USS Kittiwake
USS Providence
USS Terribone Parish

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

HOYT HARMON WHITTLE AND	)	CASE NO. 474701
GERALDINE WHITTLE	)	
	)	
Plaintiffs	)	JUDGE HARRY HANNA
	)	
vs.	)	PLAINTIFF'S
	)	INTERROGATORIES
	)	PROPOUNDED TO
	)	DEFENDANT
A-BEST PRODUCTS COMPANY, et al.,	)	<u>CONGOLEUM CORP.</u>
	)	
Defendants.	)	

VERIFICATION

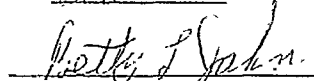
I, Donald Golemme, declare as follows:

I am currently the Risk Manager of Congoleum Corporation, and from 1967 until the present, I have been employed by Congoleum Corporation, a defendant in these proceedings, and am authorized to verify these responses on behalf of Congoleum Corporation. I have reviewed the Congoleum Corporation's Responses to Plaintiffs' Interrogatories propounded herein, and I am informed and believe that these responses are true and correct to the best of my knowledge at this time.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct.


Donald Golemme
Risk Manager, Congoleum Corporation

SUBSCRIBED and SWORN to
before me this 17th day
of October, 2002.


Notary Public

BETTY L. JAHN
Notary Public, State of New Jersey
My Commission Expires 9-25-04