



WILBRAHAM, LAWLER & BUBA
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**Attorney for Defendant
CertainTeed Corporation**

Herbert and Shirley Carlson, h/w,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiffs,	:	
	:	SEPTEMBER TERM, 2000
v.	:	NO. 1274
	:	
CertainTeed Corporation, et al.	:	ASBESTOS CASE
	:	
Defendants.	:	

Defendant CertainTeed Corporation, by its attorneys, hereby responds to plaintiff's Requests for Interrogatories, as follows:

1. CertainTeed is a corporation.
 - (a) CertainTeed Corporation.
 - (b) Delaware.
 - (c) February 23, 1988.
 - (d) 750 E. Swedesford Road, Valley Forge, Pennsylvania 19482.
 - (e) Yes.
 - (f) CT Corporation
1515 Market Street, Suite 1210
Philadelphia, PA 19102.
 - (g) CertainTeed objects to this interrogatory on the basis that it is not reasonably calculated to lead to the discovery of relevant information.
 - (h) CertainTeed had no predecessor corporations.

On June 1, 1962, CertainTeed purchased from Keasbey & Mattison Company (pursuant to an Agreement between Keasbey & Mattison Company and Certain-teed Products Corporation dated April 1, 1962) its four asbestos-cement pipe plants and all of its machinery, fixtures, tools and supplies which related to and had been used by Keasbey & Mattison exclusively in the making of asbestos-cement pipe.

CertainTeed's purchase of Keasbey & Mattison's assets was limited to the four aforementioned asbestos-cement pipe plants and related machinery, etc. CertainTeed did not purchase any Keasbey & Mattison assets which had been used to manufacture insulation, textile or roofing materials. At the time of the purchase of the Keasbey & Mattison asbestos-cement pipe assets, there was no general assumption of liability by CertainTeed nor did CertainTeed specifically assume liability for claims growing out of the sale of any Keasbey & Mattison products manufactured prior to the date of purchase by CertainTeed of Keasbey & Mattison's asbestos-cement pipe assets.

The asbestos-cement pipe made by CertainTeed was used solely for the underground transmission of water and sewage, was not used in conjunction with insulation material, was typically installed by pipeline contractors, and was never installed inside buildings.

On July 1, 1966, CertainTeed, through merger, acquired the Gustin-Bacon Manufacturing Company (pursuant to an Agreement and Articles of Merger between Certain-teed Products Corporation and Gustin-Bacon Manufacturing Company dated April 19, 1966). At the time Gustin-Bacon Manufacturing Company merged into CertainTeed, all the ordinary liabilities of the former entity were assumed by CertainTeed. The only asbestos-bearing products with which Gustin-Bacon ever had any nexus were two specialty insulation products sold exclusively to railroad companies. One of these products, Flexible Trainline, which was made of fiber glass which had an asbestos cloth facing, was used to insulate steam lines on railway passenger cars, and the other, which had no trade name, was a glass fiber blanket faced with asbestos paper which was used to insulate the walls, floors and ceilings of railway passenger cars. Other than the two aforesaid specialty insulation products, CertainTeed has never made or sold any asbestos-bearing insulation products whatsoever.

- (i) See response to 1(h).
- (j) See response to 1(h).

2. CertainTeed operated an asbestos-cement pipe plant located in Ambler, PA from June 1, 1962, through 1981. This plant was acquired from Keasbey & Mattison Company.

CertainTeed operated a roofing plant in York, PA from approximately 1910 to 1981. The identity of the prior owner is unknown.

Neither facility continued manufacturing operations after they were sold by CertainTeed.

3. CertainTeed cannot respond to this Interrogatory since it has no log or registry or other source which would contain such information.
4. In connection with the Ambler, PA plant, only with respect to the manufacture of asbestos-cement pipe by CertainTeed employees between 1962 and 1981. With respect to the raw asbestos handled by CertainTeed employees, CertainTeed does not have any records pertaining to the purchase of that fiber. It does have a chart reflecting fiber usage at the Ambler plant (see attached Exhibit A).
5. CertainTeed cannot respond to this Interrogatory since it has no log or registry or other source which would contain such information.
6. This Interrogatory is objected to on the basis that it assumes asbestos abatement or property damage occurred. Without waiving said objection and subject thereto, no.
7. See responses to Interrogatory Nos. 2 - 6. The only person who had any knowledge concerning fiber usage at the Ambler Plant was Robert Hartman, who is deceased.
8. CertainTeed objects to this Interrogatory on the basis that it is overly broad and unduly burdensome. Without waiving said objection and subject thereto, CertainTeed has belonged to N.I.M.A. from 1967 through 1973, T.I.M.A. from 1973 through 1992, A.I.A./N.A. from its founding in 1971, and the Association of Asbestos-Cement Pipe Producers from its formation in 1973 until 1992. CertainTeed joined the Industrial Health Foundation in 1968 (we have no record of when CertainTeed ended its affiliation), and belonged to the Gypsum Association for an unknown period of time prior to 1956.

With regard to communications with these trade associations, CertainTeed cannot respond to this portion of the Interrogatory since it has no log or registry or other source which would contain such information.

9. (a) See answer to Interrogatory No. 8
- (b) CertainTeed cannot respond to this Interrogatory since it has no log or registry or other source which would contain such information.

- (c) CertainTeed cannot respond to this Interrogatory since it has no log or registry or other source which would contain such information.
10. Not to the best of CertainTeed's knowledge.
 11. Not to the best of CertainTeed's knowledge.
 12. Not to the best of CertainTeed's knowledge.
 13. CertainTeed maintained a corporate library at its facilities in Blue Bell, Pennsylvania between 1977 and 1994. Some of the materials may have pertained to medical and/or scientific information.
 14. Not to the best of CertainTeed's knowledge.
 15. To the best of CertainTeed's knowledge, the only individual who has so testified is John P. McGinley, former Vice President-Manufacturing of CertainTeed's Pipe & Plastics Group, who testified before OSHA in 1984 concerning the setting of asbestos exposure levels in manufacturing facilities. CertainTeed does not have a copy of his testimony.
 16. This Interrogatory is objected to on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence inasmuch as the plaintiff was not employed by CertainTeed. Without waiving said objection and subject thereto, dust samples were taken periodically at CertainTeed's asbestos-cement pipe plants subsequent to June 1, 1962 (when CertainTeed began manufacturing asbestos-cement pipe), by state or federal agencies or by the loss control departments of CertainTeed's workers' compensation insurance carriers, and subsequent to 1973 by defendant's employees. Any such sampling results are in the custody of defendant and are on file in CertainTeed Corporation's Health and Safety Department in Valley Forge, Pennsylvania.
 17. No.
 18. No.
 19. This Interrogatory is objected to on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence inasmuch as the plaintiff was not employed by CertainTeed. Without waiving said objection and subject thereto, pre-employment physicals were performed on employees at the CertainTeed asbestos-cement pipe plants. Periodic exams after employment were also performed on said employees and it is believed that chest x-rays were taken commencing in the mid-1960's. CertainTeed has no records identifying when these practices began.

20. This Interrogatory is objected to on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence inasmuch as the plaintiff was not employed by CertainTeed. Without waiving said objection and subject thereto, the first workers' compensation claim involving alleged injury due to exposure to asbestos was filed against CertainTeed in December 1972.
21. CertainTeed cannot respond to this Interrogatory since it has no log or registry or other source which would contain such information. However, to the best of CertainTeed's knowledge, it has not been so cited.
22. CertainTeed objects to this interrogatory on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information.
23. (a). CertainTeed objects to this interrogatory on the basis that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information.
- (b) See answer to Interrogatory No. 16.
- (c) Yes, but given the OSHA requirement that such logs be retained for five years following the end of the year to which they relate, no such logs remain in CertainTeed's custody with respect to the Ambler plant, which was closed 20 years ago.
- (d) CertainTeed has maintained medical files on its asbestos-cement pipe plant employees, although the complete file would be in the custody of the attending physician for each facility. CertainTeed's files would contain x-ray reports. We have no record pertaining to when x-ray reports were first kept by CertainTeed.
- (e) See answer to Interrogatory No. 20.
24. See answer to Interrogatory No. 16.

WILBRAHAM, LAWLER & BUBA



Robert B. Lawler, Esquire

VERIFICATION

JANIS REYNOLDS, being duly sworn according to law, deposes and says that she is Manager, Safety and Industrial Hygiene of CertainTeed Corporation and is duly authorized to make this Verification on its behalf and that the facts set forth in CertainTeed's response to the Plaintiff's Requests for Admissions and Plaintiff's First Set of Interrogatories are true and correct to the best of her knowledge, information and belief.

CERTAINTEED CORPORATION

BY: 
JANIS REYNOLDS
Manager, Safety and Industrial Hygiene

DATED: 4/3/01

1CAP58AS

-----, HUBER PLANT, DETERMINED LUMPUMATION

JUNE, 1962 THRU DEC, 1981

ALL FIGURES: SHORT TONS

YEAR	#1 CASS -IAR	#2 BELL	#3 ASRES -TOS CORP.	#4 J-M	#5 JEFF- ERSON LAKE	#6 RUSS -IAN	#7 C&G	#8 VER- MONT	#9 TAK & BTAD	#10 GRIGU -LAND	#11 GOVT "S"	#12 CAPE "S"	#13 BEN'L MIN- ING	TOTAL
1962	860	19					673			196				1740
1963	1880	50			50		1389		264	44				3677
1964	1889		100				1787		837	135				4748
1965	1795		300				1903		497	173				4668
1966	2487		100				1455		951	157				5150
1967	2387		200				1830		694	304				5415
1968	6212						620		1279	327				8438
1969	6600								810	376	15			7801
1970	5062		50						858					5920
1971	6120								848					7010
1972	6540		112						916					7568
1973	6190		570	1236					646					8642
1974	3395	324	150	3046					890					7921
1975	2476	108	735	777					491					6111
1976	2280		1840	878			810							6676
1977	900		1801	1127								110		5578
1978	1976	277	2290	1204										5985
1979	721	1085	2400	1265				55						6457
1980	420	563	192	100										1568
1981	160		593	22										1201
TOTAL	60350	2426	11433	9655	50	3084	10467	55	9981	1712	15	280	3782	113290
														113290

NOTES: #1 THRU #8 ARE CHRYSOITILE; #9 THRU #13 ARE CROCIDOLITE

#1 COMES FROM WESTERN CANADA

#2, #3, #4 COME FROM EASTERN CANADA

#5, #8 COME FROM THE U.S.

#6 COMES FROM THE USSR

#7 COMES FROM ZIMBABWE (FORMERLY RHODESIA)

#9 THRU #13 ALL HAVE THEIR ORIGIN IN SOUTH AFRICA

RGH 6-12-1986

EXHIBIT A