

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

William J. Turner, Jr.	:	CIVIL ACTION
	:	
vs.	:	NO. 89-5260
	:	
BONDEX INTERNATIONAL, INC., et al.	:	<u>ASBESTOS CASE</u>

RESPONSES OF DEFENDANT BONDEX INTERNATIONAL, INC.,
TO PLAINTIFF'S INTERROGATORIES, SET I

The defendant Bondex International, Inc. hereby responds to plaintiff's interrogatories.

This defendant reserves the right to amend or supplement its responses if it finds that inadvertent omissions or errors have been made or if additional or more accurate information becomes available.

1. Please identify each person who has supplied information used in answering these interrogatories and specify the interrogatories for which he or she is responsible.

RESPONSE: The following individuals participated in the accumulation of past and present information which forms the basis of this defendant's responses to these Interrogatories:

Douglas W. Wood, Vice President
John A. Fleming, Treasurer
Bondex International, Inc.
3616 Scarlet Oak Boulevard
St. Louis, Missouri 63122

Waldemar Stabs, Plant Manager
Bondex International, Inc.
Rapho Industrial Park
Manheim, Pennsylvania 17545

Julius K. Nemeth
Former President and Secretary
Medina, Ohio

2. Identify each person who was questioned or consulted in order to answer these interrogatories.

RESPONSE: See response to Interrogatory No. 1 above.

3. Identify each document that was examined, reviewed, and/or used in answering each interrogatory and specify the interrogatory.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and which is not reasonably calculated to lead to the discovery of admissible evidence.

4. Please state whether or not you are a corporation. If so, state:

- (a) Your correct corporate name;
- (b) The state of incorporation;
- (c) The date of your incorporation;
- (d) The address of your principal place of business;
- (e) The addresses of any other places of business;
- (f) Whether or not you have ever held a certificate of authority to do business in this state;
- (g) Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
- (h) State your corporate purposes;

(i) State whether or not you have or have had subsidiary or predecessor corporation(s), and if so;

(1) The name of the subsidiary and/or predecessor;

(2) Its date(s) of incorporation, if a corporation;

(3) Its state(s) of incorporation;

(4) Its corporate purposes.

RESPONSE: Yes.

(a) Bondex International, Inc.

(b) Ohio.

(c) May 22, 1972.

(d) 3616 Scarlet Oak Boulevard
St. Louis, Missouri 63122

(e) Rapho Industrial Park
Manheim, Pennsylvania 17545

(f) Yes.

(g) Yes.
Bondex International, Inc.
Box 249G
Rapho Industrial Park
Manheim, Pennsylvania 17545

(h) This defendant manufacturers and sells interior paints and finishes, patching materials, drywall materials, waterproofing products, liquid paints, and miscellaneous patch and repair products.

(i) This defendant objects to this Interrogatory on the grounds that it is vague, indefinite, and susceptible of varying interpretations.

Without waiving its objections and in an effort to be as responsive as possible, this defendant states that it has assumed all of the liabilities of The Reardon Company.

5. State whether you have controlled, purchased or in any way acquired any interest in any corporation or business entity which has mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed, and/or otherwise placed in the stream of commerce, raw asbestos or finished asbestos products and if so, state:

(a) The name and address of said corporation or business entity;

(b) The date(s) you controlled, purchased or acquired any interest;

(c) The manner of acquisition, including percentage of ownership;

(d) Identify all documents with respect to the above.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is vague, indefinite, and susceptible of varying interpretations.

Without waiving its objections and in an effort to be as responsive as possible, this defendant states that it has assumed all of the liabilities of The Reardon Company.

6. State whether you have at any time directly or indirectly been engaged in the mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distributing, and/or otherwise placing in the stream

of commerce of raw asbestos or finished asbestos products. If so, be specific in your answer and state as to each such asbestos product:

- (a) The trade name, general name and/or other identification of each asbestos product, raw or finished;
- (b) The date during which you mined, manufactured, supplied, distributed, and/or otherwise placed in the stream of commerce each such asbestos product;
- (c) The intended use of each such asbestos product;
- (d) Furnish a complete description of each such asbestos product including the type of asbestos contained therein and the percentage of asbestos contained in said product;
- (e) Describe the physical appearance including color of each such product specifying whether the said product was/is sold in a solid, loose powdered or other form;
- (f) Identify the location of each plant or facility which produces each of the aforesaid asbestos products.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is wholly irrelevant, immaterial, and would not lead to the discovery of admissible evidence.

Without waiving its objections and in an effort to be as responsive as possible, this defendant states as follows with respect to those products identified by plaintiff as being products manufactured by Bondex International, Inc. or The Reardon Company to which he was allegedly exposed.

I. Reardon Joint Compound

A. (a) Reardon's SX Joint Cement

(b) Sometime prior to 1960 until 1972

(c) Joint treatment material for laying tape, treating joints, nail spots, and metal reinforcement, and bedding tape in drywall construction.

(d) This defendant does not believe that Reardon's SX Joint Cement ever contained more than 10.5% chrysotile asbestos fiber (220 pounds in approximately a 2,088-pound batch) and generally contained less.

(e) Reardon's SX Joint Cement was off-white in color and was a powdered material which required mixing with

(f) This defendant is uncertain at which Reardon manufacturing facilities Reardon's SX Joint Cement was manufactured.

B. (a) Reardon's SX Topping Cement

(b) Sometime prior to 1960 until 1972

(c) Joint treatment material for use as a topping coat over SX Joint Cement.

(d) This defendant does not believe that Reardon's SX Topping Cement ever contained more than 14.8% chrysotile asbestos fiber (300 pounds in approximately a 2,030-pound batch) and generally contained less.

(e) Reardon's SX Topping Cement was off-white in color and was a powdered joint treatment material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Reardon's SX Topping Cement was manufactured.

C. (a) Reardon's All Purpose Joint Cement

(b) From 1960 until 1972

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Reardon's All Purpose Joint Cement contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Reardon's All Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Reardon's All Purpose Joint Cement was manufactured.

D. (a) Reardon's All Purpose Joint, Topping and Texture Paint

(b) Approximately 1964 until 1972.

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Reardon's All Purpose Joint, Topping and Texture Paint ever

contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Reardon's All Purpose Joint, Topping and Texture Paint was off-white in color and was a powdered material which required mixing with water.

(f) Reardon manufacturing facilities Reardon's All Purpose Joint, Topping and Texture Paint was manufactured.

E. (a) Reardon's 500-C All Purpose Joint Cement

(b) Approximately 1964 until 1972.

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Reardon's 500-C All Purpose Joint Cement ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Reardon's 500-C All Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Reardon's 500-C All Purpose Joint Cement was manufactured.

II. Bondex Asbestos Cement/Bondex Joint Compound

A. (a) SX Joint Cement

(b) SX Joint Cement containing asbestos fiber was manufactured from 1972 until 1976.

(c) Joint treatment material for laying tape, treating joints, nail spots, and metal reinforcement, and bedding tape in drywall construction.

(d) This defendant does not believe SX Joint Cement ever contained more than 10.5% chrysotile asbestos fiber (220 pounds in approximately a 2,088-pound batch) and generally contained less.

(e) SX Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) SX Joint Cement containing asbestos fiber was manufactured at the following facilities during the periods specified:

St. Louis, Missouri 1972-1976

Tom's River, New Jersey 1972-1976

B. (a) SX All-Purpose Joint Cement.

(b) SX All-Purpose Joint Cement containing asbestos fiber was manufactured from approximately 1965 until 1977.

(c) Joint treatment material for laying tape, treating joints, nail spots, and metal reinforcement and bedding tape in drywall construction.

(d) This defendant does not believe that SX All-Purpose Joint Cement ever contained more than 10.5% chrysotile asbestos fiber (220 pounds in approximately a 2,088-pound batch) and generally contained less.

(e) SX All-Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Sx All-Purpose Joint Cement was manufactured. It was, however, manufactured containing asbestos fiber at the following Bondex facilities during the periods specified:

St. Louis, Missouri 1972-1977

Toms River, New Jersey 1972-1977

C. (a) SX Topping Cement.

(b) SX Topping Cement containing asbestos fiber was manufactured from 1972 until 1977.

(c) Joint treatment material for use as a topping coat over SX Joint Cement.

(d) This defendant does not believe that SX Topping Cement ever contained more than 14.8% chrysotile asbestos fiber (300 pounds in approximately a 2,030-pound batch) and generally contained less.

(e) SX Topping Cement was off-white in color and was a powdered joint treatment material which required mixing with water.

(f) SX Topping Cement containing asbestos fiber was manufactured at the following facilities during the periods specified:

St. Louis Missouri 1972-1977

Toms River, New Jersey 1972-1977

D. (a) Joint Compound - All Purpose

(b) Joint Compound - All Purpose containing asbestos fiber was manufactured from 1972 until 1977.

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Joint Compound - All Purpose ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Joint Compound - All Purpose was off-white in color and was a powdered material which required mixing with water.

(f) Joint Compound - All Purpose containing asbestos fiber was manufactured at the following facilities during the periods specified:

St. Louis, Missouri 1972-1977

Tom's River, New Jersey 1972-1977

E. (a) Bondex "Premium" Joint Compound

(b) Bondex "Premium" Joint Compound containing asbestos fiber was manufactured from 1965 until the early 1970's.

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Bondex "Premium" Joint Compound ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Bondex "Premium" Joint Compound was off-white in color and was a powdered material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Bondex "Premium" Joint Compound was manufactured.

F. (a) Bondex 100-A All Purpose Joint Cement

(b) Bondex 100-A All Purpose Joint Cement containing asbestos fiber was manufactured from 1972 until 1977.

(c) Joint treatment material for drywall construction; also used as a texture paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Bondex 100-A All Purpose Joint Cement ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Bondex 100-A All Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) Bondex 100-A All Purpose Joint Cement containing asbestos fiber was manufactured at the following facilities during the periods specified:

St. Louis, Missouri 1972-1977

Toms River, New Jersey 1972-1977

G. (a) Bondex 200-B All Purpose Joint Cement

(b) Bondex 200-B All Purpose Joint Cement containing asbestos fiber was manufactured from 1972 until 1977.

(c) Joint treatment material for drywall construction; also used as a textured paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Bondex 200-B All Purpose Joint Cement ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Bondex 200-B All Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) Bondex 200-B All Purpose Joint Cement containing asbestos fiber was manufactured at the following facilities during the periods specified:

St. Louis, Missouri 1972-1977

Toms River, New Jersey 1972-1977

H. (a) Bondex 500-C All Purpose Joint Cement

(b) Bondex 500-C All Purpose Joint Cement containing asbestos fiber was manufactured from sometime prior to 1961 until 1977.

(c) Joint treatment material for drywall construction; also used as a textured paint for plaster, wallboard walls, and ceilings.

(d) This defendant does not believe that Bondex 500-C All Purpose Joint Cement ever contained more than 5% chrysotile asbestos fiber (100 pounds in approximately a 2,036-pound batch) and generally contained less.

(e) Bondex 500-C All Purpose Joint Cement was off-white in color and was a powdered material which required mixing with water.

(f) This defendant is uncertain at which Reardon manufacturing facilities Bondex 500-C All Purpose Joint Cement was manufactured. It was, however, manufactured containing asbestos fiber at the following Bondex facilities during the periods specified:

St. Louis, Missouri 1972-1977

Toms River, New Jersey 1972-1977

III. Bondex Plaster

To the best of this defendant's knowledge, it has never manufactured an asbestos-containing plaster product.

7. Do asbestos products that you mine, manufacture, produce, process, compound, convert, sell, merchandise, supply,

distribute and/or otherwise place in the stream of commerce require any further change or modification before being put to their ultimate use by the user? For example, is there any mixing or cutting that has to be done: If there are any changes or modification whatsoever, state the specific nature of the change or modification.

RESPONSE: Yes, this defendant's powdered joint compounds required mixing with water to a paste consistency.

8. State whether you presently mine, manufacture, produce, process, compound, convert, sell, merchandise, supply, distribute, and/or otherwise place in the stream of commerce the product(s) previously listed in the interrogatory 6.

RESPONSE: SX Joint Cement and SX All-Purpose Joint Cement were manufactured and sold under those names after the removal of asbestos until approximately 1981. At that time the products' names were changed to Bondex Joint Cement and Bondex All-Purpose Joint Cement, respectively, and are sold under those names today.

9. Identify all distributors of your asbestos products and state:

(a) The date(s) your product(s) were sold or delivered to said distributor;

(b) The quantity or type of product(s) sold or delivered to said distributor;

(c) Identify and produce all documents relating to said distributor;

(d) Whether any agreement concerning third party liability existed between you and the distributors; and if so, if such agreement was in writing, attach a copy of such agreement; if such agreement was oral, then set forth fully the terms and the identity of the persons making such oral agreement.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is wholly irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

10. Were any patents or trademarks ever applied for or granted with regard to any product(s) listed in interrogatory 6? If so, for each such product state:

- (a) The number of each patent;
- (b) The date(s) issued and to whom issued;
- (c) The name of each patent application that is presently pending.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections and in an effort to be as responsive as possible, this defendant states as follows with respect to those products identified by plaintiff as being products manufactured by Bondex International, Inc. or The Reardon Company to which he was allegedly exposed.

<u>Registration No.</u>	<u>Date Originally Registered</u>	<u>Registered Trademark</u>
206,202	11/24/25	Bondex
260,703	8/27/29	Reardon's
632,095	8/7/56	"R" In The House
642,214	3/5/57	SX

11. Identify each business entity from whom you have received raw asbestos if you are not a miner or distributor of mineral or raw asbestos during the period of plaintiff's or decedent's employ, including:

- (a) name of and address of supplier;
- (b) the date(s);
- (c) amount;
- (d) types received;
- (e) identify and produce all documents relating to such purchase;

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that the records in its possession reflect that chrysotile asbestos fiber, from at least 1964 forward, was purchased from Canadian Johns Manville, Carey Canada, Inc., Lake Asbestos and Pacific Asbestos Corporation. It appears that this defendant purchased most of its chrysotile asbestos fiber from either Canadian Johns-Manville or Carey Canada.

12. Identify each business entity from whom you have received finished asbestos products if you are not a miner or a distributor of mined asbestos indicating:

- (a) name and address of said entity;
- (b) the date(s);
- (c) amount(s);
- (d) types received;
- (e) identify and produce all documents relating thereto.

RESPONSE: To the best of this defendant's knowledge, it has never purchased or received finished asbestos products from any business entity.

13. Did you sell raw asbestos or finished asbestos products to the employers of employee plaintiff during or immediately prior to the periods of employment of plaintiff? If yes, identify:

- (a) dates of sales;
- (b) amounts of sales;
- (c) names of finished asbestos containing products sold;
- (d) amount of raw asbestos sold; Invoice records can be attached to answer this interrogatory.

RESPONSE: To the best of this defendant's knowledge, no.

14. If you have no records of sales earlier than a date identified in your answer to number 13 supra, will you admit that

you sold asbestos products to the companies involved during or immediately prior to the employ of plaintiff by said companies?

RESPONSE: No.

15. Did you sell asbestos products to distributors who would resell your asbestos products to the employers identified in number 13 supra, or ship asbestos products to such employers through sales to such distributors? If so, name the distributors, identifying:

- (a) name, address of distributors;
- (b) asbestos products sold to distributors;
- (c) raw asbestos sold to distributors;
- (d) amounts sold;
- (e) dates of sale.

RESPONSE: This defendant objects to this Interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that it sold and distributed its asbestos-containing products through manufacturing representatives to distributors and retailers with numerous outlets.

16. Did you at any time, assign or license any of your asbestos products to any person, firm or corporation? If so, state:

- (a) Identify the assigners or licensee;
- (b) The purpose of such assignment or license;

(c) The name(s) of the product(s) so assigned or licensed;

(d) The time period of the assignment(s) or license;

(e) Identify and produce all documents relating to such assignment or license.

RESPONSE: No.

17. Did you rebrand any of your asbestos products for other companies? If so,

(a) Identify such companies:

(b) Indicate the specific products rebranded for each company;

(c) The dates of each such rebranding;

That is, did you manufacture or acquire asbestos products and affix the names of other companies to the product or its containers?

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

18. Since the initial date of said mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distribution and/or otherwise placing in the stream of commerce your asbestos products as specified in the answer to number 6, advise whether or not there have been any alterations or changes, then as to said alterations or changes, state:

- (a) The trade name(s) of each such product(s);
- (b) The date(s) each such product(s) was altered or changed;
- (c) The specific nature and date(s) of each such alternation or change of composition;
- (d) The reason for each alteration or change of composition;

RESPONSE: This defendant objects to this Interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

19. Describe in detail the packages in which you would distribute or deliver asbestos products to the wholesaler or retailer for resale to companies such as Plaintiff's employers, stating:

- (a) The type box or package used;
- (b) The date each type of box or package was used;
- (c) A physical description thereof, including the size and color of the box or package;
- (d) A description of size and color of any printed material that appeared on or in said box or package stating:
 - (1) A verbatim statement of any warnings or cautions;
 - (2) The date(s) each such warning or caution was first used and last used.

- (3) Identify and produce a copy of said warning or caution;

RESPONSE: This defendant objects to this Interrogatory on the grounds that is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections and in an effort to be as responsive as possible, this defendant states as follows with respect to those products identified by plaintiff as being products manufactured by Bondex International, Inc. or The Reardon Company to which he was allegedly exposed.

(a-c) The packaging for this defendant's asbestos containing drywall products was as follows:

I. Reardon Joint Compound

A. Reardon's SX Joint Cement was packaged in red and black 5 and 25-pound packages with black lettering. Reardon's Sx Joint Cement was also packaged with joint tape in red and black 4 and 18-pound bags.

B. Reardon's SX Topping Cement was packaged in red and black 25-pound bags.

C. Reardon's All Purpose Joint Cement was packaged in red and black 15 and 25-pound bags.

D. Reardon's All Purpose Joint, Topping and Texture Paint was packaged in 25-pound bags. This defendant has been unable to determine a description of the packaging.

E. Reardon's 500-C All Purpose Joint Cement was packaged in red and black 25-pound bags.

II. Bondex Asbestos Cement/Bondex Joint Compound

A. SX Joint Cement was packaged in red and white 5, 15, and 25-pound bags with black lettering. SX Joint Cement was packaged with joint tape in green and white 4 and 18-pound bags with black lettering.

B. SX All-Purpose Joint Cement was packaged in red and white 5-pound packages with black lettering and in red and brown 15 and 25-pound bags with black lettering. SX All-Purpose Joint Cement was also packaged with joint tape in green and white 4-pound packages with black lettering and in brown and red 18-pound bags with black lettering.

C. SX Topping Cement was packaged in red and white 25-pound bags with black lettering.

D. Joint Compound - All Purpose was packaged in green and white 25-pound bags with black lettering.

E. Bondex "Premium" Joint Compound was packaged in 25-pound bags. This defendant has been unable to determine a description of the packaging.

F. Bondex 100-A All Purpose Joint Cement was packaged in green and white 25-pound bags with black lettering.

G. Bondex 200-B All Purpose Joint Cement was packaged in green and white 15 and 25-pound bags with black lettering.

H. Bondex 500-C All Purpose Joint Cement was packaged in green and white 15 and 25-pound bags with black lettering.

(d) In addition to directions for use of the product, from 1971 to 1977 this defendant's asbestos-containing products for sale in the New York state area which could conceivably be sprayed by an applicator carried the following warning:

CONTAINS ASBESTOS-SPRAY APPLICATION PROHIBITED
IN THE STATE OF NEW YORK.

In either 1972 or 1973 the following warning label which was taken directly from the OSHA Rules and Regulations was printed conspicuously on all packaging for this defendant's asbestoscontaining products:

CAUTION
CONTAINS ASBESTOS FIBERS
VOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM.

In addition to the OSHA-required warning label referred to above, the following general warning label was printed conspicuously on the packaging for those products which could conceivably be sprayed by an applicator:

DO NOT SPRAY WHERE PROHIBITED

BY LAW.

This defendant is unable to determine the date on which this general warning label was first placed on its packaging.

20. Prior to releasing the asbestos product(s) listed in interrogatory 6 for sale, were any tests conducted on same to determine potential health hazards involved in the use, handling or exposure of the materials contained therein? If so, state:

- (a) The identity of each individual or firm who conducted such tests.
- (b) The date, purpose and result of each such test:
- (c) Identify and produce all documents relating to such tests.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it contains the implied, but vigorously contested, conclusion that the use of this defendant's asbestos-containing products caused "potential health hazards involved in the use, handling, or exposure of the materials contained therein," which this defendant denies.

Without waiving its objections, this defendant states that it did not conduct any such tests.

21. Did you make any changes in your asbestos products as a result of such test? If so, state:

- (a) The product changes;
- (b) The nature of the change made;

- (c) The purposes of the change;
- (d) The date of such change;
- (e) The identity of each person or firm responsible for making the change.

RESPONSE: See response to Interrogatory No. 20 above.

22. Has any written material of any kind been prepared by you indicating how your product(s) should be used, applied or handled by the workers who would be reasonably expected to your asbestos products? If so, please state:

- (a) Identify each person or firm who prepared same;
- (b) Identify each person or firm who presently has possession of same;
- (c) The date(s) and manner in which said material was distributed to purchasers or users of your product(s);
- (d) Identify and produce all applicable documents.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that the packaging for its asbestos-containing drywall products contained detailed instructions and directions regarding the products' use.

Samples of labels used for certain of this defendant's asbestos-containing drywall products are in the possession of

Bowers Orr & Robertson, 1401 Main Street, Suite 1100, Post Office Box 7307, Columbia, South Carolina 29202.

23. If there have been any changes in any labels, inserts or other information which has ever accompanied any of your products as it was placed on the market, state the reasons therefor and the name and address of the person who recommended or ordered the change.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

24. State the names, titles and addresses of defendant's advertising agents who are employed or used in connection with the promotion of the product(s) specified in answer to interrogatory 6, and give a summary of all the instructions given to such agents regarding the uses, safety, and health related effects of the use of the products and their obligations to provide this information to customers.

RESPONSE: To the best of this defendant's knowledge, it has never employed any advertising agents.

25. Have you at any time published and/or distributed any document containing any warnings concerning the possibility of illness, disease, or injury resulting from the use of or exposure to the asbestos products listed in answer to interrogatory 6? If so, please state:

(a) The wording of each such warning;

(b) A description of each such document;

(c) The method used to distribute the warnings to persons who are likely to use, handle or be exposed to your product(s);

(d) The date(s) such warning was issued;

(e) Identify each person who presently has possession of the above-described documents;

(f) Identify and produce all the documents mentioned in parts (a) through (e) of this question;

(g) In particular, was any warning ever given, either in writing or in any other way concerning the possibility of the illness as known as cancer resulting from the use of or exposure to any of the asbestos products listed in answer to Interrogatory 6.

(h) How the document and the information involved were communicated to purchasers of the product?

RESPONSE: This defendant objects to this Interrogatory on the grounds that it contains the implied, but vigorously contested, conclusion that the use of or exposure to this defendant's asbestos-containing products could cause "illness, disease, or injury," which this defendant denies.

Without waiving its objection, this defendant refers to its response to Interrogatory No. 19(d) above.

26. Have you ever given any warnings to your employees of dangers of illness and/or disease by reason of their use, handling or exposure to asbestos products? If so, state:

- (a) The date of each such warning;
- (b) How such warnings were given;
- (c) If such warnings were oral, state the names and addresses of the person(s) giving and receiving such warnings;
- (d) If such warnings were written, state:
 - (1) The date(s) of such warning(s);
 - (2) The present location of such warnings(s);
 - (3) The names and addresses of individuals who prepared such warning(s);
 - (4) Where and/or how such warnings(s) were posted;
 - (5) The reasons for such warning(s)
- (e) Whether or not in the course of such warnings, there was any warning concerning the possibility of contracting the disease known as cancer resulting from the use of or exposure to the asbestos products. In particular, whether there was any warning concerning that type of cancer known as mesothelioma.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it contains the implied, but vigorously contested conclusion, that this defendant's asbestos-containing products could cause "illness and/or disease" which this defendant denies.

Without waiving its objections, this defendant states that it has always recommended that its employees use respirators, face masks, or other precautionary measures in working around any dust. In 1972, oral rules regarding the handling of asbestos

fiber in its manufacturing facilities, including the mandatory wearing of Bureau of Mines approved respirators, were disseminated to employees by the plant managers and Douglas Wood, Vice President.

Further without waiving its objections, this defendant states that it has always complied with all applicable OSHA rules and regulations.

27. Were you ever advised by any member of the medical profession or other profession such as industrial hygienists occupational hazard professionals or other persons to utilize hazard labels on your products and to give clear and explicit warnings concerning the possibility of cancer, and/or mesothelioma and/or other serious illnesses and diseases including but not limited to asbestos to those who might use, handle, or be exposed to your asbestos products after they have left your control? Identify this individual or individuals or company set forth the date of this advise, and attach copies of this advise if written.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it contains the implied, but vigorously contested, conclusion that this defendant's asbestos-containing products could cause "cancer, and/or mesothelioma and/or other serious illnesses and diseases including but not limited to asbestos," which this defendant denies.

Without waiving its objections, this defendant states that except for the New York state ban on spray products and the OSHA

required asbestos warning label, it was never advised to utilize such labels on its asbestos-containing products.

28. When, if at all, did you first become aware that airborne dust containing some asbestos fibers might be created in the course of the use of your asbestos products by workers in:

- (a) the pipe insulating trade;
- (b) textile factories;
- (c) companies manufacturing asbestos products;
- (d) other industries such as but not limited to:
 - (1) railroads
 - (2) oil burner service.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant believes that the workers in the industries and trades described would have had no contact with any of its asbestos-containing products. However, in an effort to be as responsive as possible, this defendant states that it believes it first became aware of the possibility that exposure to asbestos fiber at certain levels might be harmful in 1971 when the state of New York placed restrictions on the application by spray equipment of certain asbestos-containing products.

29. When did you first become aware that airborne dust containing asbestos fibers or fibrils would be created in use or

removal of your asbestos products by an insulation worker or other workers could cause asbestos is, pleural thickening or pleural plaque, mesothelioma, or lung cancer? Please identify the date of this knowledge by product whether raw asbestos or a finished product and the date of knowledge that each of the diseases set out could develop from exposure to asbestos.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it contains the implied, but vigorously contested, conclusion that the use of this defendant's asbestos-containing products could cause "asbestosis" pleural thickening or pleural plaque, mesothelioma, or lung cancer," which this defendant denies.

30. If your answer to question 28 is in the affirmative, please explain whether the Threshold Limit Value is based on counts of all particles in the air or just the asbestos fibers in the air.

RESPONSE: See response to Interrogatory No. 28 above.

31. When did defendant know that any governmental or private agency, or other entity, issued guidelines suggesting Threshold Limit Values for exposure to asbestos dust? If ever:

- (a) Identify the agency or entity issuing the guideline;
- (b) State the content of the guideline(s) verbatim;
- (c) State the date issued and the date you first knew the purpose of the guideline(s).

RESPONSE: This defendant has not been able to determine exactly when it became aware that any governmental or private agency or other entity issued guidelines suggesting threshold limit values for exposure to asbestos dust. However, if such guidelines were issued at the time warning labels were required on all asbestos-containing products, then that is the first time this defendant was aware of such guidelines.

32. Does the defendant contend that the asbestos products mined, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, distributed and/or otherwise placed in the stream of commerce by the defendant are not "hazardous substances", as defined in 15 U.S. Code, §1261(5)? Said definition is incorporated herein by reference, and defendant is required to reply as to all the parts of said definition. If so, state the facts, opinions or conclusions upon which defendant relies to support such contention, and identify each document which is applicable.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant and immaterial, and which is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that while it is not qualified to render an opinion on the question set forth in this Interrogatory it does not believe that any products ever manufactured by it were or are hazardous.

33. Have your asbestos products at any time been subjected to:

- (a) Tests or studies by a governmental agency;
- (b) Tests or studies by an independent organization;
- (c) Tests conducted on humans or animals on your behalf or on behalf of any co-defendant in this action. If your answer to any of the subsections (a) through (d) is in the affirmative, for each test or study state:

- (1) The date it began;
- (2) The date ended;
- (3) The procedure of the test or study;
- (4) The number of man hours spent on it;
- (5) The place it where it was conducted.

RESPONSE: No.

34. Have you, at any time, been a member of any "trade association or organization" composed of other miners, manufacturers, suppliers, distributors, producers, processors, compounders, converters, sellers, merchandisers, and/or anyone otherwise placing in the stream of commerce asbestos products? If so, state:

- (a) Identify each such association or organization;
- (b) The dates during which you were a member?
- (c) The names of any publication published by or written by such association or organization;
- (d) The dates and addresses of all other members;

(e) What meetings you attended and identify who attended:

(f) Who spoke at such meetings;

(g) Were transcripts or summaries or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and state when and where counsel for the plaintiff may examine and copy these documents.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that the only professional or trade organization to which it has maintained membership is the National Decorating Products Association.

35. Have you, at any time, been a member of and/or contributed to the Industrial Hygiene Foundation? If so, state:

(a) The dates you were a member and/or contributed;

(b) The identification of any publication of any such organization;

(c) What meetings you attended and who attended;

(d) Who spoke at such meetings;

(e) Were transcripts or summaries or minutes or notes made of such meetings? If so, identify the above, tell specifically what was made and give the name, title and address of the person or persons who have custody of the transcripts and/or summaries and or minutes and/or notes mentioned above and state when and where counsel for the plaintiff may examine and copy these documents.

RESPONSE: No.

36. State whether you have received any workmen's compensation claim for injury, occupational disease, or death, to any of your employees or to any persons working as independent contractor for you, or under your direction or to any persons in "contract units" operated by you or your subsidiaries or divisions or to any persons hired on an occasional basis by your agents, employees or directors, in the course of work activity performed by the aforementioned "contract unit" for the following diseases: asbestos is, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma. In answering this question confine your answer to workers who were occupationally exposed to asbestos products by their using, handling, fabricating, installing, removing, mixing, cutting, packing or transporting products containing any percentage whatsoever of asbestos whether raw or finished and whether made by you or made by some other company but used, handled, modified, installed, removed, mixed, cut, packed or transported by the person or persons making the workmen's compensation claim for

injury or unit managers or contract unit occasional workers independently contracted for. If there have been any workmens' compensation claims within the above-described criteria between the years 1930 and 1978, state:

(a) The date you received notice of the claim;

(b) The identity of the person making the claim; or on whose behalf the claim was made;

(c) The specific disease or illness complained of. In particular, all complaints of: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of lungs and mesothelioma;

(d) The name of any physician or nurse who made any notes on the claim or who inscribed any words whatsoever on any document, paper, letter, book, or record pertaining to the evaluation of the facts and/or the merits and/or the medical workup of the claim filed;

(e) A brief summary of the substance of the written materials mentioned in section (d);

(f) The present location(s) of the documents, medical or otherwise, relevant to the claim files, if any, specified in section (a);

(g) An index to the claim files, if any specified in section (a) showing how, if at all, they are broken down by the defendant in the ordinary course of the defendant's business activity (i.e. by geographical region, by plant, by profit center, by disease, by injury, by level of compensation demanded,

by estimate on the eventual payment that will be required on the claim, by worker's name or number, by contract unit, by date, or in any other way that the defendant as a practical matter in the ordinary course of defendant's business actually breaks down and indexes the claims of the kind specified for purposes of defendant's own internal filing and record keeping.

(h) The state or federal agency or agencies which would in the ordinary course of defendant's business and in the ordinary course of the state and federal government's business receive notice of the claims;

(i) The indexing or filing system used by those agencies in the respective states or in the respective federal agencies.

(j) The records retention policies concerning claims of the kinds specified in Part (a) of the defendant, and of any state agencies of which the defendant has knowledge in states where the defendant does business, and to which the defendant supplies information concerning claims of this kind. Also include any federal agencies which would receive notice directly or in the defendant's knowledge indirectly as a matter of the ordinary business of the federal government concerning claims of the aforementioned kind;

(k) The disposition of said claim(s) including benefits paid or settlements reached or moneys voluntarily paid by your insurers, if any;

(1) The last known address of the attorney representing the Claimant, if any.

RESPONSE: None. This defendant has never had a contract unit.

37. Have you ever been named as a party in any action for workmen's compensation benefits for injury, occupational disease, or death by any of your employees or their estates, or by any persons working as independent contractors for you or under your direction or their estates, or by any directors, managers, or persons involved on a casual labor or occasional worker independently contracted for basis in "contract units" operated by you or their estates where the disease, injury or death was asserted by the Plaintiff and/or claimant in the action to be based in whole or in part on the diseases; asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma and where the plaintiff and/or claimant in the course of his work experience used, handled, fabricated, installed, removed, mixed, cut, packed or transported asbestos products containing any percent-age whatsoever of asbestos? If so, state as to each claim:

(a) The identity of the Plaintiff and/or claimant and the disease(s) or injury(s) on which the action was premised;

(b) The date it was filed;

(c) The name and address of the court, agency, or administrative body, in which it was filed;

(d) The term and/or number of the action;

(e) The identity of the claimant's attorney;
(f) The identity of the claimant's physician;
(g) The identity of your physician, and/or expert witnesses;

(h) The disposition of the action including any moneys paid voluntarily or by agreement or in settlement by you or by your insurance carrier.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is wholly irrelevant, immaterial, and which is not calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that its first and only asbestos-related workmen's compensation claim was received in September of 1980. This defendant believes this claim was for alleged lung cancer. The claim was brought in the St. Louis, Missouri, Division of Worker's Compensation (Claim No. 78-142715) on behalf of Andrew Mayberry, a materials handler and mixer of roof coatings, who worked at this defendant's St. Louis, Missouri plant.

38. If you or your insurance carrier have ever paid out money voluntarily, or by agreement, or in settlement, on a claim for the following diseases, asbestos is, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma between the years 1930 and 1978, specify for each instance:

(a) The amount paid out;

(b) Who paid it;

(c) Who received the payment;

(d) The date of the payment(s);

(e) Whether, if it was an agreement, the agreement went on file with any court, agency, or administrative body, and if so, the date and location of the filing;

(f) The current location of any document(s) evidencing such voluntary payment, and the name, and address of their present custodian, and the time and place where counsel for plaintiff may examine and copy such document (s).

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is wholly irrelevant, immaterial, and which is not calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that to the best of its knowledge, neither it nor its insurance carrier made any such payments during the time specified.

39. If you or your insurance carrier have ever paid out money, voluntarily, or by agreement, or in settlement, to any employee contractor, contract unit worker, contract unit manager, or casual, or incidental laborer for a claim based on the following diseases; asbestos is, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma, state as to each recipient of such funds:

(a) His or her identity;

(b) The identity of his or her attorney;

- (c) The date the claim was made;
- (d) The date payment commenced and the duration and amount(s) of payment(s);
- (e) The insurance carrier making the payment;
- (f) Whether such agreement was filed in any court, agency or administrative body, if so, state:
 - (1) The date it was filed;
 - (2) The location of such filing;
- (g) The current location of any document(s) evidencing such voluntary payment(s) and the name and address of their present custodian and the time and place where counsel for the plaintiff can examine and copy such document (s).

RESPONSE: No.

40. State whether you or your insurance carrier has voluntarily or by agreement paid to any employee benefits for accident, sickness, health, disability, or retirement, by reason of exposure to asbestos products. If so, state as to each:

- (a) The identity of such employee;
- (b) The identity of the employee's attorney;
- (c) The identity of the insurance carrier(s) making such payment;
- (d) The dates the claims were made as to each separate claim by each employee;
- (e) The date payment was made;
- (f) The current location of any documents evidencing such payments, the name and address of their present custodian

and the time and place where counsel for the plaintiff can examine and copy such documents.

RESPONSE: No.

41. State the names and addresses of all your insurance carriers for workmen's compensation and occupational disease compensation from 1930 through 1985, and your insurance carrier for this action, and as to each insurance carrier, state the periods when such coverage was provided and the amount provided, and the name(s) and coverage amounts of your carrier(s) in this action.

If there is a dispute between you and certain carriers as to coverage, please answer this question as to:

- (a) Amount of insurance you claim you have from each company;
- (b) Amount of coverage in dispute;
- (c) Amount of coverage not in dispute.

RESPONSE: This defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information which is irrelevant, immaterial, and which is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, this defendant states that it is currently involved in coverage litigation. However, this defendant states that the following policies of insurance should provide some coverage for plaintiff's claim:

<u>Period</u>	<u>Insurance Company</u>	<u>Limit</u>
6-7-51/ 7-1-54	Wausau	\$900,000
2-28-66/67	Hartford	\$1,000,000 No aggregate
1-1-67/68	Hartford	\$300,000 Aggregate
1-1-68/69	Hartford	\$300,000 Aggregate
1-1-69/70	Hartford	\$300,000 Aggregate
1970	Hartford	Unknown
2-24-70/71	USF&G	Unknown
2-24-71/72	USF&G	\$300,000
2-24-72/73	USF&G	\$300,000
9-15-72/ 9-15-75	INA	\$500,000 CSL
9-15-75/ 1-28-76	INA	\$500,000 CSL
1-28-76/ 5-18-77	INA	\$1,000,000 CSL
5-18-77/ 5-31-81	Cardinal	\$1,000,000 CSL (Claims Made)
5-31-80/ 5-31/81	Cardinal	\$1,000,000 CSL
5-31-81/ 5-31-82	Cardinal	\$1,000,000 CSL
5-31-82/ 5-31-83	Cardinal	\$1,000,000 CSL
5-31-83/ 12-01-83	Cardinal	\$1,000,000 CSL

12-01-83/ 12-01-84	USF&G	\$1,000,000 CSL
12-01-84/ 2-01-85	USF&G	\$1,000,000 CSL
12-1-85/ 12-1-86	USF&G	\$1,000,000 CSL

42. If you or your insurance carrier have ever paid out money as a result of a court decree or jury verdict against you in a case in which the plaintiff asserted injury resulting from exposure to asbestos products mixed, manufactured, produced, processed, compounded, converted, sold, merchandised, supplied, or placed in the stream of commerce identify the:

- (a) Court in which judgment was entered against you;
- (b) Court docket number;
- (c) Plaintiff's name;
- (d) Plaintiff's attorney's name and address;
- (e) Amount of judgment;
- (f) Date judgment entered;
- (g). Other defendants against whom judgment was

entered.

RESPONSE: None.

43. Do you have a medical department that performs occupational studies or reviews of worker's health? If so, describe:

- (a) How long in existence;
- (b) Names of those who have led that department since

1930;

(c) Any reports or warnings provided to you by that department as to the effects of asbestos;

(d) Current address of that person or those persons referred to in (b) supra.

RESPONSE: No.

44. Have you had a medical advisor or other professional reviewing your products particularly asbestos, and making recommendations for use? If so, please answer (a) - (d) of interrogatory 43.

RESPONSE: No.

45. If you are merely a distributor, rather than a manufacturer and distributor of asbestos products, please answer interrogatories 7, 18, 19, 20, 21, 22, 23, 26, 27, with respect to whether you ever received such information from the manufacturers or from the trade association and so indicate by date, place and describe and attach any documents.

RESPONSE: No response necessary.

46. (a) Do you contend that the employee plaintiff or, if deceased, the plaintiff's decedent or his employer were contributorily negligent?

(b) Do you contend that the employee plaintiff or, if deceased, the plaintiff's decedent assumed the risk of his employment?

RESPONSE: (a) Yes.

(b) Yes.

47. If the answer to interrogatory number 45(a) or 45(b) is yes, please state in detail the factual basis for the contention and name any witnesses you intend to produce to support this contention.

RESPONSE: This defendant assumes plaintiff is referring to Interrogatory No. 46(a) and (b).

Discovery in this case is in the early stages. This defendant will identify the factual bases for its contentions and any witnesses it intends to use to support such contentions prior to trial.

48. Do you deny that you sold asbestos products to any places of employee plaintiff.

RESPONSE: To the best of this defendant's knowledge, yes.

49. Do you deny that you sold asbestos products to the employer of plaintiff or to distributors whom you knew would sell to the employers of plaintiff.

RESPONSE: To the best of this defendant's knowledge, it never sold asbestos-containing products to plaintiff's employers. Additionally, this defendant has no way of knowing to whom its distributors might have sold its products.

50. Did you or employees of your company ever attend meetings of the Asbestos Textile Institute or any of its committees? If yes:

- (a) Identify the meetings and dates;
- (b) Who attended from your company;
- (c) What materials were dispensed.

RESPONSE: No.

51. Identify all individuals who are now or have ever been employed by you including their current address who can testify or have testified concerning:

(a) The history of that portion of your organization responsible for preventive medicine or occupational hygiene;

(b) Your company medical policy, practices, and procedures;

(c) The history of that portion of your organization responsible for product safety;

(d) The nature and extent of your knowledge, over time, of health hazards actually, allegedly, or possibly associated with exposure to asbestos or asbestos products;

(e) Actions taken by you to warn, direct or indirect purchasers of asbestos products or protect their employees of health hazards;

(f) Actions taken to warn or protect persons such as plaintiff and spouse against hazards of asbestos.

RESPONSE: The following individuals would have general knowledge regarding the areas listed:

John A. Fleming, Treasurer
Bondex International, Inc.
3616 Scarlet Oak Boulevard
St. Louis, Missouri 63122

Douglas Wood
Bondex International, Inc.
3616 Scarlet Oak Boulevard
St. Louis, Missouri 63122

Julius K. Nemeth
Vice President
RPM, Inc.
P. O. Box 777
Medina, Ohio 44250

52. Did or does defendant maintain a medical library? If yes, state;

(a) Date established;
(b) location;
(c) Names and addresses of librarians;
(d) Title, author, and publisher of all journals and books bought or subscribed to during the period of 1930 through 1978;

(e) To whom journals in the area of asbestos, industrial hygiene, medicine safety or engineering were distributed.

RESPONSE: No.

FOX, ROTHSCHILD, O'BRIEN & FRANKEL

By Timothy J. McCuen
Steven R. Waxman
Timothy J. McCuen

2000 Market Street, 10th Floor
Philadelphia, Pennsylvania 19103

Attorneys for Defendant
Bondex International, Inc.

Dated: February 7, 1991

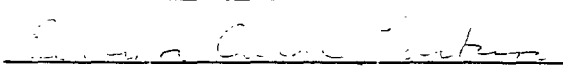
STATE OF MISSOURI)
)
CITY OF ST. LOUIS)

PERSONALLY APPEARED before me John A. Fleming, who being duly sworn according to law, deposes and says that he is the Treasurer of Bondex International, Inc.; that he is authorized to make this affidavit on its behalf; that the information necessary to prepare the within Responses of Defendant Bondex International, Inc. to Plaintiff's Interrogatories, Set 1, has come from his personal knowledge as well as from others and from the records of Bondex International, Inc.; that he does not necessarily have personal knowledge of all of the facts stated, but believes the same to be true and correct to the best of his knowledge, information and belief.



JOHN A. FLEMING

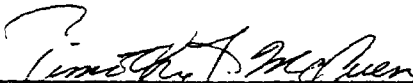
SWORN TO and subscribed before
me this 30th day of January, 1991

 (L.S)
Notary Public for Missouri
My Commission Expires: 10/29/92

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Responses of Defendant Bondex Industries, Inc. to Plaintiff's Interrogatories, Set 1, has been served upon the following attorney of record, by mailing a copy of the same to him, in the United States Mail, first-class postage prepaid, addressed to him at his office as shown below this 7th day of February, 1991.

Robert E. Paul, Esquire
Paul, Reich & Myers
1411 Walnut Street, Suite 500
Philadelphia, Pennsylvania 19102



Timothy J. McCuen