

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

Roger Dale Blake, *et al.*,

Plaintiffs,

v.

A-Best Products Co., *et al.*,

Defendants.

Case No. CV 96 01 0191

Judge George Elliott

DEFENDANT BEAZER EAST, INC.'S
ANSWERS TO PLAINTIFFS'
MASTER SET OF
INTERROGATORIES

Defendant Beazer East, Inc. ("Beazer East") responds to Plaintiffs' Master Set
Of Interrogatories Propounded To Defendant Beazer East, Inc. as follows:

GENERAL OBJECTIONS

1. Beazer East objects to plaintiffs' definitions of "Defendant, "You,"
"Your Company," "Predecessors," and "Subsidiaries" to the extent that those definitions
require Beazer East to respond more broadly than is required by Rule 26 of the Ohio Rules
of Civil Procedure.
2. Beazer East objects to each of the interrogatories to the extent that the
request calls for the disclosure of privileged communications or attorney work product.

3. Beazer East objects to each interrogatory to the extent that the request seeks information unrelated to any of the plaintiffs in the Butler County, Ohio, asbestos litigation, in that such a request is overbroad, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

4. Beazer East objects to each and every interrogatory or subpart in excess of the maximum number of interrogatories permitted by the Ohio Rules of Civil Procedure.

Without waiving any of the foregoing objections, Beazer East answers the interrogatories.

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: Mary Dombrowski Wright, Esq., Litigation Manager, Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA.

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.

ANSWER:

- (a) Beazer East, Inc.

- (b) Delaware
- (c) One Oxford Centre, Suite 3000, Pittsburgh, PA 15219
- (d) CT Corporation

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

- (a) Mergers;
- (b) Consolidations;
- (c) Asset purchases;
- (d) Acquisitions; or
- (e) Spinoffs.

ANSWER: Koppers Company, Inc. was incorporated in Delaware in 1944. On June 16, 1988, BNS, Inc. ("BNS"), a Delaware corporation and an indirect wholly-owned subsidiary of Beazer PLC, acquired indirectly more than 90% of the outstanding common stock of Koppers Company, Inc. On November 14, 1988, BNS acquired indirectly the balance of the common shares. On January 26, 1989, the name of Koppers Company, Inc., was changed to Beazer Materials and Services, Inc. ("BM&S"). On April 16, 1990, BM&S changed its name to Beazer East, Inc.

4. Please state whether or not the 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, state the following:

- (a) The name of each such corporation or entity;
- (b) Date of acquisition;

- (c) The nature of the company as it relates to asbestos.

ANSWER: Not applicable.

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, or Defendant's subsidiary);
- (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 of 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).
- (c) The time period during which each of the products were on the market;
- (d) A description of the physical composition of each product;

- (e) How each of these asbestos-containing products 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: Beazer East objects in that the interrogatory is so vague and overbroad as to make a complete answer unduly burdensome on the responding party. Beazer East further objects in that the interrogatory seeks information unrelated to any of the plaintiffs in the Butler County, Ohio, asbestos litigation and thus not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objections, the Engineering and Construction Division of Koppers Company (the "E&C Division") never manufactured any asbestos containing product. The E&C Division provided design and construction services for the erection of steel-making facilities, including coke oven batteries, basic oxygen furnaces and the like. While E&C Division employees installed asbestos containing products during initial construction, those products were manufactured by other companies, and it was the E&C Division's ordinary practice that the customer, rather than the E&C Division, would furnish the materials for incorporation into the structure, even on initial construction. Copies of the contracts between the E&C Division and the ARMCO Steel Middletown and Hamilton plants are provided herewith. Beazer East will provide such further E&C Division contracts as plaintiffs may request for individual plaintiffs on a case-by-case basis.

Koppers Company also sold roofing products. Attached is a listing of the Koppers Roofing products that contained asbestos, as well as descriptions of the products and

KOPPERS COMPANY, INC. ROOFING PRODUCTS

1. Roof Restaurant 410: Mfg. from 1996 to December 31, 1985. Coal Tar Roof Resaturant for roof restoration. Asbestos Encapsulated. Contained 2.49 percent asbestos.
2. Fiber Coating 415: Mfg. from 1966 to December 31, 1985. Coal tar roof coating for roof restoration. Asbestos encapsulated. Contained 5.19 percent asbestos.
3. Roof Resaturant 425: Mfg. from 1966 to December 31, 1985. Asphalt roof resaturant for roof restoration. Asbestos encapsulated. Contained 4.56 percent asbestos.
4. C.P. Adhesive 433: Mfg. from 1976 to 1983 (+). An adhesive for application of cold process roofing system. Asbestos encapsulated. Contained 7.18 percent asbestos.
5. Alum. Roof Coating 435: Mfg. from 1966 to December 31, 1985. Asphalt aluminum roof coating used for coating used for coating smooth surfaced asphalt BUR systems. Asbestos encapsulated. Contained 8.78 percent asbestos.
6. Flash-On 441: Mfg. 1979 (+) to December 31, 1985. Asphalt flashing cement used in roof flashings. Asbestos encapsulated. Contained 19.48 percent asbestos.
7. Alum. Roof Coating 445: Mfg. from 1966 to December 31, 1985. Asphalt aluminum roof coating used for coating smooth surfaced. Asphalt BUR systems. Asbestos encapsulated. Contained 8.91 percent asbestos.
8. Hydrosshield 451: Mfg. from 1966 to December 31, 1985. Asphalt flashing cement used in flashing and roof restoration. Asbestos encapsulated. Contained 5.64 percent asbestos.

9. Asphalt Roof Coating 454: Mfg. from 1966 to December 31, 1985. Asphalt cutback roof coating used for roof restoration. Asbestos encapsulated. Contained 5.13 percent asbestos.
10. Liquid Asphalt 472: Mfg. from 1966 to December 31, 1985. Asphalt emulsion used for roof restoration. Asbestos encapsulated. Contained 1.51 percent asbestos.
11. Insulation Mastic 481: Mfg. from 1971 to 1973 (+). Heavy consistency asphalt emulsion to protect thermal insulation in heated service. Asbestos encapsulated. Do not know percentage of asbestos. Was a "short" lived material (records lost).
12. Flashing Cement: Mfg. from 1973 to December 31, 1985. Asphalt flashing used in roof flashings. Asbestos encapsulated. Contained 15.71 percent asbestos.
13. Tar Roof Cement: Mfg. from 1966 to December 31, 1985. Coal tar roof cement used in roof restoration. Asbestos encapsulated. Contained 16.0 percent asbestos.

their asbestos content. Also attached is a product announcement issued by Koppers Company relating to asbestos in roofing products.

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

ANSWER: Beazer East is unaware of any patents at this time. However, Beazer East is continuing to investigate, and will supplement its response to this interrogatory in the event any such patents are discovered.

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: All such products were altered to eliminate the use of asbestos. See the attached product description and product announcement relating to dates.

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 and Illinois 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: No.

8.1 Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant? If your answer is "yes," please state the basis of your answer.

ANSWER: All contract documents relating to the sale of goods or services relating to the Middletown and Hamilton Plants are provided herewith as they are kept in the ordinary course of Beazer East's business.

8.2 For each company that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (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) Please identify all documents relating to the sales to each such company.

ANSWER: All contract documents relating to the sale of goods or services relating to the Middletown and Hamilton Plants are provided herewith as they are kept in the ordinary course of Beazer East's business.

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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, 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 1975.

ANSWER: Not applicable.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

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

ANSWER: All contract documents relating to the sale of goods or services relating to the Middletown and Hamilton Plants are provided herewith as they are kept in the ordinary course of Beazer East's business.

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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, 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.

ANSWER: No.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant. from 1954 to 1975? If so, please state:

(1) The dates of such contracts;

(2) The specific asbestos-containing products that were used in each contract.

ANSWER: Beazer East objects to the interrogatory in that the term "applying" is so vague and ambiguous as to make a complete answer unduly burdensome on the responding party. Without waiving the objection, all contract documents relating to the sale of goods or services relating to the Middletown and Hamilton Plants are provided herewith as they are kept in the ordinary course of Beazer East's business.

11. Did Defendant ever have any subdivision or subsidiary engaged in the contract business of applying 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: Beazer East objects to the interrogatory in that the term "applying" is so vague and ambiguous as to make a complete answer unduly burdensome on the responding party. Without waiving the objection, all contract documents relating to the sale of goods or services relating to the Middletown and Hamilton Plants are provided herewith as they are kept in the ordinary course of Beazer East's business.

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: Koppers roofing felts were manufactured on a contract basis by other companies, and were saturated by Koppers at its plants in Youngstown, Ohio, Woodward, Alabama, and Cicero, Illinois during the dates listed on the attached Roofing Product sheet.

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: Beazer East has no knowledge of any such agreements.

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: Unknown.

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: Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product have been produced herewith.

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: None of the Koppers Company roofing products created any dust in any foreseeable use or application.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blue prints 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 Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product have been produced herewith. Beazer East is continuing to investigate for any further documents and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blue prints 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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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 such tests.
- (b) The name, address, and job classification of each person and/or agency conducting said tests.
- (c) The results of such 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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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 relabelled 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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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 each such dissemination.

ANSWER: Beazer East is continuing to search corporate records for testing data, and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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, the 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: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East unable to respond to the Interrogatory at this time, but is continuing its investigation to determine the answers to the multiple subparts posed by plaintiffs. Beazer East will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East unable to respond to the Interrogatory at this time, but is continuing its investigation to determine the answers to the multiple subparts posed by plaintiffs. Beazer East will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Koppers Company employed Donald McGraw, M.D., from 1982 until 1988. Dr. McGraw's duties included dealing with asbestos issues as they related to Koppers employees.

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 the individual acted in this capacity, and that person's current address and job title.

ANSWER: Koppers Company employed Donald McGraw, M.D., from 1982 until 1988. Dr. McGraw's duties included dealing with asbestos issues as they related to Koppers employees.

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: Beazer East has no documents reflecting any recommendations by Dr. McGraw regarding asbestos.

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: Unknown

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: No testing was ever performed on non-Koppers employees.

32. For each test described in Interrogatory No. 31, please state 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: Not applicable.

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: Koppers Company was generally aware of threshold limit values, maximum allowable concentrations and permissible exposure limits as they were published and changed by the Federal and state governments from the incorporation of the company in 1944. Koppers Company was first specifically advised of TLV's issued by the ACGIH in the mid-1980's when Koppers was first brought into asbestos litigation.

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 librarians 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: No.

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: Beazer became aware of this article only due to its involvement in asbestos litigation in the mid-1980's.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by 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: No.

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: Not applicable.

39 Please identify by name the technical and trade association periodicals to which the 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: Beazer East objects to the Interrogatory in that it is so vague and ambiguous as to make a complete answer possible. Beazer East further objects to the Interrogatory in that it incorrectly assumes that the responding party had knowledge or input into articles to be included in any of hundreds of trade journals.

40. Please state whether, prior to 1975, the 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: No.

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 warning appeared.

ANSWER: Copies of Koppers Company's Specifications Manual for Built-Up Roofing have been produced herewith. Such manuals were provided upon request to purchasers and prospective purchasers of Koppers roofing products. Warnings contained

therein were thus given to architects and engineers in the form set forth. Beazer East has no information about the manufacturer of the boxes in which roofing materials were shipped.

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

ANSWER: Copies of Koppers Company's Specifications Manual for Built-Up Roofing have been produced herewith. Such manuals were provided upon request to purchasers and prospective purchasers of Koppers roofing products. No other sales material was produced. The names of the persons who produced the Manuals are not known.

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? If so, please state the following:

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

ANSWER: Copies of Koppers Company's Specifications Manual for Built-Up Roofing have been produced herewith. Such manuals were provided upon request to purchasers and prospective purchasers of Koppers roofing products. No other sales material was produced. The names of the persons who produced the Manuals are not known.

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: Beazer East has not alleged and does not intend to contend in this litigation that asbestos-containing products can be manufactured so as to eliminate all potential health hazards.

46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Hamilton Plant regarding 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 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: Beazer East objects to the Interrogatory to the extent that it assumes that products listed in response to Interrogatory No. 5 were also sold to one of the two ARMCO or A.K. Steel plants. Without waiving the objection, Beazer East has no record of any sale of any roofing product either to ARMCO/A.K. Steel Middletown Plant or ARMCO/A.K. Steel Hamilton Plant.

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;
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: No.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury 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.

49. Has Defendant obtained statement from any witness including the 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: Other than duly notice depositions, Beazer East has taken no witness statements.

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

ANSWER: Beazer East has no knowledge of any product set out in response to Interrogatory No. 5 being sold to or used at either of the ARMCO/A.K. Steel

plants at Middletown or Hamilton, Ohio. However, Beazer East reserves its right to assert the defense of product misuse if it is determined at a later date that one or more of the plaintiffs claims an asbestos injury as a result of using Koppers roofing products.

51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed 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: Beazer East objects to the Interrogatory in that it is premature and that insufficient discovery has taken place to require a response. Beazer East reserves its right to assert that other substances, including but not limited to tobacco, caused the plaintiff's or decedent's injuries. Beazer East will supplement this response in accordance with the Ohio Rules of Civil Procedure.

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: Beazer East objects to the Interrogatory in that the products listed in response to Interrogatory No. 5 are all non-friable and the asbestos fibers contained therein are encapsulated. Beazer East further objects in that Beazer East sold none of the products listed in Interrogatory No. 5 to either of the ARMCO/A.K. Steel plants involved in this litigation, and thus the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence

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

- (a) Their identity, 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, treatises, 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: Beazer East has not yet identified the experts it expects to call at the time of trial in any of these cases. Beazer East will provide reports and/or C.V.'s for each expert in accordance with the Ohio Rules of Civil Procedure, the Local Rules of Court, and this Court's Case Management Order.

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: Beazer East has not yet identified the experts it expects to call at the time of trial in any of these cases. Beazer East will provide reports and/or C.V.'s for each expert in accordance with the Ohio Rules of Civil Procedure, the Local Rules of Court, and this Court's Case Management Order.

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

ANSWER: Beazer East is not contesting service of process for any cases filed to date.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the 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: Beazer East objects to the Interrogatory in that it is irrelevant and not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, see the attached table of coverage.

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

ANSWER:

Bill Ice, 405 Hunter Drive, Pittsburgh, PA 15237 (E&C Div.)

Drew Bachman, Koppers Industries, Inc., 436 Seventh Ave.,
Pittsburgh, PA 15219 (roofing products)

Beazer East further reserves the right to supplement this response and identify such other witnesses as may be appropriate for individual plaintiffs' claims.

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

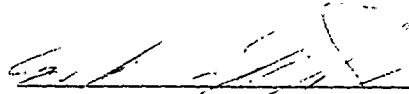
ANSWER: December 31, 1985.

Wade A. Mitchell (0030647)
Jack E. Peak (0067039)
BAKER & HOSTETLER LLP
3200 National City Center
1900 E. 9th Street
Cleveland, Ohio 44114-3485

Attorneys for Defendant Beazer East, Inc.

CERTIFICATE OF SERVICE

The original of the foregoing was served by facsimile and by Federal Express on Steven D. Wolens, Esq., counsel for plaintiffs, at Baron & Budd P.C., The Centrum, Suite 11, 3102 Oak Lawn Ave., Dallas, Texas 75219, this 18th day of June, 1997, and notice of the same was served on all counsel of record.



Attorney for Defendant Beazer East, Inc.

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wam 6/17/97

COMMONWEALTH OF PENNSYLVANIA

)

AFFIDAVIT OF

) SS:

MARY DOMBROWSKI

COUNTY OF

)

WRIGHT

I, Mary Dombrowski Wright, being duly sworn according to law do hereby
depose and state that :

I. I am Litigation Manager of Beazer East, Inc. I have read the attached
Defendant Beazer East, Inc.'s Answers To Plaintiffs' Master Set Of Interrogatories, and to
the best of my knowledge and recollection the Answers To Interrogatories are true and
correct.

The affiant says nothing further.

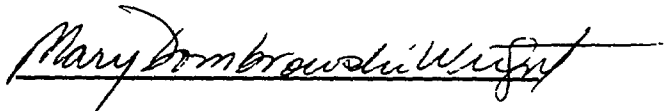
Mary Dombrowski Wright

SUBSCRIBED AND SWORN before me this ____ day of June 1997.

Notary Public

VERIFICATION

The undersigned, on behalf of Defendant, Beazer East, Inc., formerly known as Koppers Company, Inc. hereby certifies that the matters stated in the foregoing discovery responses are not wholly within her personal knowledge and that she is informed that there is no official of Beazer East, Inc. who has personal knowledge of all such matters, but that the discovery responses have been made based upon information assembled by authorized employees, and therefore, the undersigned is informed and believes that the discovery responses are true and correct and consistent with the applicable Rules of Civil Procedure.

A handwritten signature in cursive script, reading "Mary Dombrowski Wright", with a horizontal line extending to the right.

Mary Dombrowski Wright
Assistant Secretary
Beazer East, Inc.