

FILE NAME: Kentile (KEN)

DATE: 1992 Mar 4

DOC#: KEN013

DOCUMENT DESCRIPTION: Legal - Kentile Response to Plaintiffs' Interrogatories and Requests for Production

IN RE:

ASBESTOS PERSONAL INJURY CASES ABRAMS LEAD NOS.
88-5422(2), 89-5088(2), 89-5121(2), 90-5247(2),
88-5420(2), 89-5252(2), 90-5069(2), 90-5322(2),
89-5153(2), 90-5352(2), 89-5268(2), 90-5045(2),
90-5274(2), 88-5181(2), 91-5187(2), 91-5098(2),
91-5000(2), 90-5387(2), 91-5119(2), 90-5369(2),
91-5135(2), and 90-5178(2)

KENTILE FLOORS, INC.'S RESPONSE TO
PLAINTIFFS' INTERROGATORIES AND
REQUESTS FOR PRODUCTION

Comes now Kentile Floors, Inc. ("Kentile"), and hereby responds to Interrogatories and Requests for Production to Defendant, Kentile Floors, Inc., as follows, to-wit:

PRELIMINARY STATEMENT AND OBJECTIONS

Subject to the following objections and limitations which are applicable to each of the numbered paragraphs of the Requests, and subject to any reasonably diligent search (taking into account normal changes in personnel and document locations over the decades both generally and specifically relating to the issues raised by the asbestos litigation), and without representing that any particular document or documents are or are not thus existing and recoverable, Kentile responds to the individual Requests without waiver and with preservation of:

Kentile's right to object to the use of any responses, or the subject matter thereof, on any ground in any proceedings in any action (including any trials);

Kentile's right to object on any ground at any time to a demand or request for a further response to this discovery request or to any other interrogatories, documents requests, or other discovery proceedings involving or relating to the subject matter of the discovery requests herein responded to; and,

Kentile's right at any time to revise, correct, add to, supplement or clarify any of the individual responses to the Requests.

Kentile has made response to these interrogatories and requests for production based upon information and belief. Kentile continues to investigate issues relevant to this lawsuit and reserves the right to produce additional information as is developed in the course of further investigation and review.

RESPONSES

1. Identify each person who has supplied information used in responding to these interrogatories and responding to these requests for production. With respect to each such person, state, with specificity, the area(s) of information for which such person acted or is responsible.

RESPONSE:

The Kentile employee answering the Plaintiffs' interrogatory and discovery requests and who is the most knowledgeable in the areas of research and development is Rocco Sergi. Mr. Sergi has been an employee of Kentile or its predecessors since approximately 1957. Due to his long association with Kentile, Mr. Sergi has acquired general information regarding various areas of the corporation. Information beyond Mr. Sergi's knowledge may have been collected from various departments and personnel throughout the organization over a period of years.

2. Identify any document that you used or referred to in connection with the preparation of your answers to these interrogatories and which said document(s) is not otherwise produced in response to a specific request to do so and further state the following with respect to each such document:

- a. The number of the question and its subpart to which the document relates;
- b. The name and location of the file in which the document was found;
- c. The name and location of the file in which the document is presently located;
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all such documents.

RESPONSE:

Kentile objects to Interrogatory No. 2 on the grounds that it is unduly burdensome and that it seeks information protected by the attorney-client and work-product privilege. Without waiving its objection, documents which relate to this inquiry will be made available to plaintiffs at plaintiffs' cost at a time and place mutually agreeable to the parties.

3. Identify the Defendant; and
 - a. Identify your predecessor(s) and produce copies of each predecessor's articles of incorporation or other document creating the business entity; and
 - b. State the years you conducted business in the states of Alabama, Mississippi, or Louisiana and produce copies of each document granting authority for you to do business in such state(s); and
 - c. If you are a corporation, name your state of incorporation, your address of principal place of business and produce copies of your articles of incorporation or other document creating you.

RESPONSE:

Kentile Floors, Inc.

a. Predecessors - David Kennedy, Inc., Kentile, Inc., and Kentile Floors, Inc.. Articles of incorporation or other documents creating the business entities will be made available to plaintiffs at plaintiffs' cost at a time and place mutually agreeable to the parties.

b. Kentile has never been granted authority to do business in the State of Mississippi. Kentile objects to the remainder of interrogatory 3(b) as being irrelevant and unlikely to lead to the discovery of admissible evidence.

c. State of Incorporation - New York, primary place of business - Brooklyn, New York. Copies of articles of incorporation will be made available to plaintiffs at plaintiffs', cost at a time and place mutually agreeable to the parties.

4. State whether you are/were a miner, miller, manufacturer,

labeler, labeler, rebrander, rebrandee, seller, supplier, distributor, licensee or licensor of any ACP(s) or an entity which used any ACP(s) as part of a contract or subcontract at Ingalls at any time from 1938 to the present and, if so:

- a. Identify each entity, that engaged in each activity which is the subject of your affirmative answer; and
- b. If any such entity is your predecessor, state the beginning and ending dates of your relationship with such predecessor(s); and
- c. State how each predecessor was acquired by you, (i.e., purchase, merger, change of name, purchase or sale of assets, purchase or sale of stock, etc.); and
- d. Describe each and every activity, (whether mining, milling, manufacturing, labeling, rebranding, selling, supplying, distributing, using licensing or otherwise), in which you or your predecessor(s) engaged; and
- e. Describe each ACP(s) mined, milled, manufactured, labeled, rebranded, sold, supplied, distributed, licensed or used by you; and
- f. With respect to each ACP(s), state the product name, the brand name, the trademark name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use; and
- g. For each ACP(s), state the beginning and ending dates that you engaged in the activity which is the subject of your affirmative answer; and
- h. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or the subject matter of the interrogatory and each subpart thereof; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed

in said answer.

RESPONSE:

Kentile is/was not a miner, miller, manufacturer, labeler, labeler, rebrander, rebrandee, seller, supplier, distributor, licensee or licensor of any ACP(s) or an entity which used any ACP(s) as part of a contract or subcontract at Ingalls at any time from 1938 to the present.

(a) - (i) No answer is required.

5. State whether you (i) are or were a labeler, licensee or a rebrandee or (ii) have distributed or sold any ACP(s) which are or were not manufactured by you under your own name or (iii) have distributed or sold any ACP(s) which are or were not distributed or sold under the name of the entity by which it was manufactured.

If so, state:

- a. The terms and conditions of all agreements, licenses, arrangements and understandings which relate, refer or pertain to the business relationship under which you conducted any such activity; and
- b. The identity of each person, company, corporation or other business entity whose ACP(s) you have sold or distributed on a product-by-product basis; and
- c. The generic name or identity of each such ACP(s); and
- d. The manufacturer's brand name for each such ACP(s); and
- e. The manufacturer's trademark name for each such ACP(s); and
- f. Your corresponding brand name of each such ACP(s); and
- g. Your corresponding trademark name of each ACP(s); and
- h. The dates during which you distributed or sold each ACP(s) under your brand name or trademark name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use of each ACP(s); and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained

in your answer or to the subject matter of the interrogatory and each subpart thereof; and

- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No.

- (a) - (j) No answer required.

6. If you are or were a contractor or a subcontractor at Ingalls, identify all ACP(s) which you used, applied, supplied, sold, distributed, purchased, worked, mixed, or altered in any way during your work or the performance of any contract or subcontract at or with Ingalls or any Ingalls' subcontractor, at any time from 1938 to the present and state:

- a. Identify the business entity that engaged in each such activity; and
- b. If any such business entity is your predecessor, state the beginning and ending dates of your relationship with such predecessor(s); and
- c. State how each predecessor was acquired by you, (i.e., purchase, merger, change of name, purchase or sale of assets, purchase of sale of stock, etc.); and
- d. Describe each and every activity, (whether using, applying, supplying, selling, distributing, purchasing, working, mixing, or altering or otherwise), in which you or your predecessor(s) engaged; and
- e. Describe each ACP(s), involved; and
- f. With respect to each ACP(s), state the product name, the brand name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use; and
- g. For each ACP(s), state the beginning and ending dates that you engaged in the activity which is the subject of your affirmative answer; and

- h. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

Kentile is not nor ever has been a contractor or a subcontractor at Ingalls.

(a) - (i) No answer required.

7. State whether you (i) are or were a labeler, licensor or a rebrander or (ii) whether any ACP(s) mined, milled or manufactured by you has ever been distributed or sold by any other person, company, corporation or any other business entity under his or its own brand or trademark name or under your brand or trademark name. If so, state:

- a. The terms and conditions of all agreements, licenses, arrangements and understandings which relate, refer or pertain to same and identify all documents relating to same; and
- b. The identity of each such person, company, corporation or other business entity; and
- c. Your brand name of each such ACP(s); and
- d. Your trademark name of each such ACP(s); and
- e. The corresponding brand name of each such ACP(s) used by the distributor or seller of same; and
- f. The corresponding trademark name of each such ACP(s) used by the distributor or seller of same; and
- g. The dates during which each such ACP(s) was distributed or sold under each of the corresponding brand and trademark names indicated above; and
- h. With respect to Defendant's answer to this interrogatory

and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and

- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No.

- (a) - (i) No answer required.

8. For each ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7 that was ever sold, supplied or distributed (i) to Ingalls or (ii) to an Ingalls' subcontractor, or (iii) whether any such ACP(s) was ever used at Ingalls, and if so:

- a. Identify the business entity to whom each ACP(s) was sold, supplied or distributed or by whom each ACP(s) was used at Ingalls, and identify the business entity from whom the ACP(s) was acquired; and
- b. State the beginning and ending dates that each ACP(s) was sold, supplied or distributed to Ingalls or an Ingalls' subcontractor, or was purchased for or used at Ingalls; and
- c. State in appropriate units of measure the amount of sales of each ACP(s) which you sold, supplied or distributed to Ingalls, to any Ingalls' subcontractor or to any other person or firm for use at Ingalls and, if said ACP(s) was designated for use on a specific hull or in a specific area, state the hull number and hull or vessel name or, if appropriate, state the location by specific area description; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject

matter of the interrogatory and each subpart thereof.

- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.
- f. Produce a representative sample of each ACP(s) identified in your answer to this interrogatory and all laboratory analysis results concerning said ACP(s) for which the sample(s) is representative.

RESPONSE:

Kentile has no knowledge that it supplied, sold or distributed to Ingalls or any Ingalls subcontractor any asbestos containing products or that any of its asbestos containing products were used at Ingalls.

(a) - (f) No answer is required.

9. If your answer to Interrogatory 8 was in the negative or if your answer to Interrogatory 8 is any answer other than an affirmative answer:

- a. Identify each document upon which you rely to support such answer; and
- b. Identify each person upon whose knowledge you rely to support such answer; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

(a) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed any asbestos containing products to Ingalls or an Ingalls subcontractor or that any of its asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

(b) Rocco Sergi.

(c) Documents, if any, which relate to this inquiry will be made available to plaintiffs at plaintiffs' cost at a time and place mutually agreeable to the parties.

10. For each and every one of your predecessors identified in your answer to Interrogatory 4, 5, 6, or 7:

- a. Identify all documents which established any terms or conditions incident to your acquisition or termination of your business interest in the predecessor(s) including, but not limited to, contracts, articles of merger, leases, stock subscriptions, asset purchase agreement(s), or stock purchase agreement(s) etc; and
- b. Identify each person(s) known to you who acted for any party and the person(s) most knowledgeable with respect to the acquisition or termination of your business interest in the predecessor including, but not limited to, contracts, articles of merger, leases, stock subscriptions, asset purchase agreement(s), or stock purchase agreement(s) etc; and
- c. Identify all documents which relate to any limitation of your liability for previous acts of the predecessor; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No predecessors have been identified in answer to interrogatories numbered 4, 5, 6, or 7.

(a) - (e) No answer is required.

11. State whether you ever sold, supplied or distributed any

ACP(s) to Ingalls or an Ingalls' subcontractor, or whether you ever used any ACP(s) at Ingalls, and if so:

- a. Identify the business entity to whom each ACP(s) was sold, supplied or distributed or by whom each ACP(s) was used at Ingalls, and identify the business entity from whom each ACP(s) was acquired; and
- b. State the beginning and ending dates that each ACP(s) was sold, supplied or distributed to Ingalls or an Ingalls' subcontractor, or was purchased for or used at Ingalls; and
- c. State, in appropriate units of measure, the amount of sales of each ACP(s) which you sold, supplied or distributed to Ingalls, to any Ingalls' subcontractor or to any other person or firm for use at Ingalls and, if said ACP(s) was designated for use on a specific hull or in a specific area, state the hull number and hull or vessel name or, if appropriate, state the location by specific area description; and
- d. If the ACP(s) was used in conjunction with any other product, even if the other product did not contain asbestos, state the product name, product brand and how the products were used; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

To the best of its current knowledge, Kentile has not sold, supplied or distributed any asbestos containing products to Ingalls or an Ingalls subcontractor, or used any asbestos containing

products at Ingalls.

(a) - (f) No answer is required.

12. If your answer to Interrogatory 6 was negative or any answer other than an affirmative answer:

- a. Identify each document upon which you rely to support such answer; and
- b. Identify each person upon whose knowledge you rely to support such answer; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

(a) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor or that any of its asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

(b) Rocco Sergi.

(c) Documents, if any, which relate to this inquiry will be made available to plaintiffs at plaintiffs' cost at a time and place mutually agreeable to the parties.

13. Identify each person who participated in the design or preparation of manufacturing specifications for each ACP(s) identified in your answer to Interrogatory 4 or 6 and, for each such person(s):

- a. The years of his or her participation; and
- b. The nature of his or her participation; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the

interrogatory and each subpart thereof.

RESPONSE: No ACPs were identified in response to interrogatories numbered 4 or 6.

(a) - (e) No answer is required.

14. Describe the design, formula, preparation, manufacture, method of application or use, and intended marketable use of each ACP(s) identified in your answer to Interrogatory 4 or 6 and, for each ACP(s):

- a. Every reason you included asbestos as a part of the ACP(s); and
- b. Whether you ever considered not including asbestos as a part of the ACP(s) and, if so state:
 - i) every reason you continued to place asbestos in the ACP(s); and
 - ii) the date of each such consideration or thought; and
 - iii) the identity of the person(s) involved in each consideration; and
- c. If the ACP(s) has ever changed in its composition or its asbestos content (either by a change in the amount of asbestos or by a change in the type of asbestos used), for each such ACP(s), state:
 - i) the nature of each such change; and
 - ii) the date of each such change; and
 - iii) identify the person(s) who participated in the decision to make or allow the change; and
 - iv) every reason the change did not occur at an earlier date; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACP's were identified in response to interrogatories numbered 4 and 6.

(a) - (d) No answer is required.

15. Identify all patents issued, or any applications made therefor, for (i) any ACP(s) named in your answer to Interrogatory 4, 5, 6 or 7, (ii) for any process related to any ACP(s) and (iii) for any product which does not contain asbestos that would have performed the same or similar function as an ACP(s) and, for each such patent or application specify, the number of each patent, the date of application, issuance and renewal, to whom each patent was issued, to whom each patent was assigned, the inventor's name, the current owner or holder of the patent, and the product or process for which each patent was issued.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.
- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No ACP's were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) - (b) No answer is required.

16. Identify any trademarks registered for any ACP(s) named in your answer to Interrogatory 4, 5, 6 or 7 and specify the number and date of registration, the language or wording of the trademark, the duration of the trademark, the date of renewal, by whom each trademark is registered and the product for which each trademark was registered.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACP's were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) No answer is required.

17. Identify all trademarks registered by you or on your behalf for any ACP(s) not listed in your answer to Interrogatory 4, 5, 6 or 7, and specify the number and date of registration, the language or wording of the trademark, the duration of the trademark, the date of renewal, by whom each trademark is registered, the product for which each trademark was registered and the reason why each product was not identified in your answer to Interrogatory 4, 5, 6 or 7.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

Kentile objects to interrogatory numbered 17 on the grounds that the information sought is not relevant or material to this action nor reasonably calculated to lead to the discovery of admissible evidence. However, without waiving its objections, Kentile would state that in regards to Ingalls, none.

18. For each and every product identified in your answer to Interrogatory 4, 5, 6 or 7, state as to each ACP(s) the date and quantities sold, supplied or shipped to each of the following locations or entities:

- a. Ingalls
- b. Jamestown Metals Marine Sales
- c. Frigitemp Corporation Marine Corporation
- d. Hopeman Brothers, Inc.

- e. Eastern Cold Storage Insulation Co., Inc.
- f. Shook & Fletcher Insulation Co.
- g. Robert J. Baggett, Inc.
- h. Selby Battersby Co.
- i. Johns-Mansville Sales Corp.
- j. Rockwell International Corp.
- k. Badham Insulation Co., Inc.
- l. Gulf Belting & Gasket Co.
- m. Eagle Asbestos & Packing

With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7. Moreover, no such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor any asbestos containing products or that any of Kentile's asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

19. For each and every product identified in your answer to Interrogatory 4, 5, 6 or 7, identify each distributor, wholesaler or supplier in the states of Alabama, Mississippi and Louisiana, and state whether your relationship with each such entity was exclusive or non-exclusive.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE: No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) No answer is required.

20. Identify any written distributorship agreement or any other document relating to the sale or distribution of any product identified in your answer to Interrogatory 4, 5, 6 or 7.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE: No products were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) No answer is required.

21. Identify your present home office address and the inclusive dates of its use, the address and the inclusive dates of use for each and every plant, warehouse, distribution center or sales office which was used in your business concerning any asbestos or ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) No answer is required.

22. State whether any of the distributors, wholesalers or suppliers identified in your answer to Interrogatory 20 or any other entity to whom you sold or supplied ACP(s) were provided by you with any instructions, oral or written, in regard to the use of such ACP(s). If so, please state:

- a. When the instructions were given; and
- b. By and to whom the instructions were given; and
- c. Whether the instructions were oral or written; and

- d. The precise content of the instructions; and
- e. If the instructions were written, identify any documents relating to the instructions; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No distributors were identified in response to interrogatory numbered 20.

- (a) - (f) No answer is required.

23. Have you or any of your representatives ever visited any of the locations or entities listed in your answer to any Interrogatory for the purpose(s), or as a purpose(s) among others, of promoting, selling, or discussing the use of ACP(s) or for the purpose, among others, of discussing, inspecting or reviewing the use of ACP(s) or for the purpose of discussing, inspecting, or reviewing the health and safety aspects of a workplace where ACP(s) are used? If so, state:

- a. The name, address, and title of each person(s) who visited each location or entity; and
- b. The date of each visit; and
- c. The purpose of each visit; and
- d. Who at each location he or she saw and spoke to on each occasion; and
- e. Whether any such person(s) discussed with the management personnel of any such entity the long term effects on health and safety of exposure to asbestos, and, if so, state:
 - (i) The content of such discussions; and
 - (ii) The dates of such discussions.
- f. Whether any such person(s) attempted to communicate to the employee(s) of any such entity information respecting health and safety ramifications to employees of long-

term asbestos exposure and, if so, state:

- (i) The results of such efforts; and
- (ii) The content of each communication; and
- (iii) The date of each communication.

- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

The only location or entity identified in response to any interrogatory is Kentile Floors, Inc.

24. Identify all managers, marketing and sales personnel responsible for your sales or marketing of ACP(s) in Alabama, Mississippi and Louisiana and identify the local or regional office out of which they worked.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Insofar as interrogatory numbered 24 pertains to Alabama or Louisiana, Kentile objects to interrogatory numbered 24 on the grounds that it seeks information that does not appear to be reasonably calculated to lead to the discovery of admissible evidence. Kentile further objects to interrogatory numbered 24 as overly broad and unduly burdensome. Without waiving its objections, Kentile would state that it maintains a regional office in Georgia, which office is responsible for sales and marketing in the southern region of the United States.

- (a) No answer is required.

25. State the following with respect to the packages and containers in which you sold, distributed, supplied or otherwise furnished each of the ACP(s) described in your answer to

Interrogatory 4, 5, 6 or 7 on a year-by-year and product-by-product basis:

- a. A description of the package or container in which each product was sold, distributed, supplied or otherwise furnished, including composition, size, shape and color; and
- b. A description of the markings or printed materials which appeared on each package or container(s), including the size and color of each; and
- c. A description of any logo or other design appearing on the package or container; and
- d. A verbatim description of any caution or warning notice appearing on the package or container; and
- e. A verbatim description of any instructions appearing on the package or container; and
- f. If the packages and containers in which you sold, distributed, supplied or otherwise furnished each of the ACP(s) has ever changed, describe each and every change and give the reason(s) for such change(s); and
- g. With respect to the Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- h. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No products were identified in response to interrogatories numbered 4, 5, 6, or 7.

(a) - (h) No answer is required.

26. With respect to each ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7:

- a. State whether you have actual packages or containers or

photographs of packages or containers in which said products were sold, distributed, supplied or otherwise furnished; and

- b. Identify the custodian of such packages, containers or photographs thereof; and
- c. Produce a sample of each ACP(s) and its packing(s), photographs of the ACP(s) and/or its packing(s) and other documents visually displaying the ACP(s) and/or its packing(s); and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No products were identified in response to interrogatories 4, 5, 6 or 7.

(a) - (d) No answer is required.

27. Describe the method by which you have maintained records concerning the mining, milling, manufacture, sale, supply, distribution, advertising, delivery, marketing, medical or scientific testing or analysis, safety and health, and/or the installation of each of the ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7 and identify:

- a. Each present and former corporate department, division or subdivision responsible for maintaining the records; and
- b. The manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.); and
- c. The inclusive dates of mining, milling, manufacture, sale, supply, distribution, advertising, delivery and installation that the record-keeping system covers; and
- d. The location where the records are maintained; and
- e. Each person presently or formerly employed by you in the highest supervisory capacity who is or was directly

responsible for the collection and maintenance of such records; and

- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) - (f) No answer is required.

28. State whether any documents concerning the mining, milling, manufacture, sale, supply, distribution, advertising, safety, delivery or installation of ACP(s) have been destroyed, lost or discarded and if so indicate:

- a. The date and location of each such event; and
- b. The custodian and location of the records prior to each such event and the identity of each employee, representative, official or agent who ordered, authorized or supervised each such event; and
- c. The reason(s) for each such event; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 28 on the grounds that it is overly broad, unduly oppressive and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Kentile would state that it has no documents which indicate that Kentile ever sold, supplied or distributed any asbestos containing product to Ingalls nor does Kentile have any information or knowledge that any such documents were ever lost or destroyed or ever existed.

29. With respect to each ACP(s) identified in your answer to Interrogatory 4, 5, 6, or 7 which were the subject of any type of advertisement or promotional material, state:

- a. The subject matter of the advertisement or promotional material; and
- b. The media in which the advertisement or promotional material was placed; and
- c. When the advertisement or promotional material was so placed; and
- d. The geographic area where the advertisement or promotional material was circulated; and
- e. Whether any photographs or diagrams were included in the copy of the advertisement or promotional material; and
- f. The author, date and present location and custodian of each advertisement or promotional material; and
- g. The exact publication, broadcast, etc. where the advertisement or promotional material was made public; and
- h. The parties involved in the preparation of the copy for the advertisement or promotional material, including their last known addresses; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) - (j) No answer is required.

30. Identify all sales brochures, catalogs, advertising

literature, diagrams, samples, photographs and other documents pertaining to the products previously identified in your answer to Interrogatory 4, 5, 6 or 7 and any packaging in which it came.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No products were identified in response to interrogatories numbered 4, 5, 6 or 7.

- (a) No answer is required.

31. State the name and location of each and every facility ever owned or controlled by you which at any time mined, milled or manufactured any ACP(s) and state for each such facility its years of operation and the products or material produced.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

The only asbestos containing product previously manufactured by Kentile is floor tile. Floor tile containing asbestos was manufactured in Brooklyn, New York, 1906 -1986; Chicago, Illinois, 1949 - 1986; Torrance, California, 1959 -1977. To the extent that any documents responsive to this interrogatory exist, said documents will be made available to plaintiffs at plaintiff's expense at a time and place mutually agreeable to the parties.

32. State your past and present chief or corporate medical officer(s) and state the periods of employment of each such person.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the

interrogatory and each subpart thereof.

- b. If you did not employ a chief or corporate medical officer, identify each such physician or other medical personnel with whom you consulted or who were retained by your firm from 1938 to the present, listing the periods of time during which each such person was retained or consulted.

RESPONSE:

None.

- (a) - (b) No answer is required.

33. State the duties and responsibilities of you(sic) chief or corporate medical officer and, if such duties and responsibilities have been changed since 1920, state the date of each such change.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Not applicable.

34. State the names and addresses of any organizations, groups, trade associations, inter-company or industrial organizations including but not limited to: (a) American Conference of Governmental Industrial Hygienists (ACGIH); (b) Asbestos Institute (AI); (c) Asbestos Textile Institute (ATI); (d) National Insulation Manufacturers Association (NIMA); (e) Thermal Insulation Manufacturers Association (TIMA); (f) Quebec Asbestos Mines Association (QAMA); (g) Asbestos Information Association (AIA); (h) Industrial Health Foundation (IHF); (i) Industrial Hygiene Foundation (IHF); (j) Iron and Steel Institute; (k) National Safety Council (NSC); (l) Refractories Institute, (m) Gypsum Association (GA), (n) National Insulation Contractors Association, (o) American Association of Testing Materials (ASTM) (p) International Association of Wall and Ceiling Contractors

(IAWCC) (q) Association of Wall and Ceiling Insulators (AWCI) (r) American National Standards Institute (ANSI); (s) American Petroleum Institute (API); (t) Fluid Sealing Association (FSI); (u) Gasket Fabricators Association (GFA); (v) Mechanical Packing Association (MPA); (w) Asbestos Information Association of North American(sic) (AIANA); (x) Sprayed Mineral Fiber Manufacturers Association (SMEMA); (y) Asbestos Cement Products Association (ACPA); (z) Mineral Fiber Products Bureau (MFPB); (aa) Gypsum Drywall Contractors International (GDCI); (bb) American Industrial Hygiene Association (AIHA) (cc) National Mineral Wood Association (dd) Acoustical Materials Association (AMA); (ee) Acoustical Materials and Insulation Association (AMIA); (ff) American Board Products Association (ABPA); (gg) North American Industrial Hygiene Association (NAIHA); (hh) National Lime Association (NLI); (ii) Contracting Plaster and Lathers International (CPLI); (jj) American Standards Association (ASI); (kk) American Society of Safety Engineers (ASSE); (ll) American Industrial Hygienists (AIHA); (mm) Employing Plasterers Association (EPA); (nn) Metal Lathe Association (MLA); (oo) Pulp and Paper Institute (PPI); (pp) Hardboard Association (HA); (qq) Asbestos Research Council of England (ARCE), to which you had or have either corporate or individual association or to which you belong or belonged and in so doing state:

- a. Dates of membership as to each; and
- b. Requirements of membership as to each; and
- c. Amount of money you contributed annually to each; and
- d. Identify all studies or investigations of ACP(s) which were performed and/or funded by any of the above named association(s), made available to any of the above named association(s) or known to any of the above named association(s) at any time either before or while you were a member of such association(s); and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained

in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

(a) Kentile was a member of the National Association of Floor Covering Distributors from 1960 - 1986. Kentile is and has been a member of the Resilient Floor Covering Institute since 1940. Kentile has also been a member of the American Society for Testing and Materials.

(b) Unknown.

(c) Unknown at this time.

(d) Kentile has in its possession copies of three publications of the Resilient Floor Covering Institute:

- (1) Monitoring Airborne Asbestos Fibers: Vinyl Asbestos Floor Tile
- (2) Industrial Hygiene Survey of Exposure During Resilient Floor Tile Removal Pursuant to Recommended Work Practices at Ten Resilient Floor Tile Removal Sites
- (3) Analysis of Measurements of Airborne Fibers During Removal of Resilient Floor Tiles Using Recommended Work Practices

(e) To the extent that any such documents exist, said documents will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

35. With respect to each entity named in your response to the preceding interrogatory, identify each person who attended any meeting of each such organization or any of its committees or subcommittees or who was your designated liaison or representative to same, state the dates of attendance for each, and identify all documents which refer, relate or pertain to the business or proceedings whether formal or informal of each such group or any of its committees, subcommittees, or related organizations.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained

in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 35 on the grounds that it is overly broad and unduly burdensome. Various Kentile employees including Rocco Sergi have attended meetings throughout the years.

36. Identify all documents in your possession, custody or control and all documents about which you have knowledge which emanated from any one or more of the organizations listed in Interrogatory 35 which relate, refer or pertain in any way to the use of asbestos or ACP(s) or to possible or actual health hazards or problems connected with the use of ACP(s), and identify the custodian of each such document.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile is unaware of any credible allegations, documents or studies which assert any risk in connection with the use of its products nor has Kentile ever believed such a risk exists.

- (a) Not applicable.

37. Identify each of your past and present directors, managers or chiefs of your Environmental, Industrial Hygiene, Safety, Research, Development, Medical Department(s) or equivalents, listing as to each the respective time periods each such person was employed by you.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile's Director or Manager of Research and Development is Rocco Sergi. Mr. Sergi has been employed in research and development with Kentile or its predecessors since approximately 1957. Kentile has no directors, managers, or chiefs of Environmental, Safety, Industrial Hygiene or Medical Departments.

(a) To the extent that any such documents exist, said documents will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

38. Identify all journals, periodicals, magazines and other publications to which you or your Environmental, Industrial Hygiene, Safety, Research & Development or Medical Departments or equivalents subscribed to or received from 1920 until the present time, listing as to each the respective time periods each such publication was subscribed to or received.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 38 on the grounds that it is overly broad and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Kentile would state that it has in the past subscribed to various trade journals including the OSHA Reporter, Pollution Engineering Magazine, the Federal Register, Occupational Safety and Health Magazine, Safety and Health News, Code of Federal Regulations (29 C.F.R.), and the Handbook on Engineering.

39. State whether any of your employees have ever made a claim for occupational disease including pulmonary disease or injury, malignant neoplasm pneumoconiosis⁴⁵. (sic) of any sort, silicosis or asbestosis related to any ACP(s) under the occupational disease or workmen's compensation statute of any state, or any federal compensation statute, including but not

limited to, the Longshoremen and Harbor Workers Compensation Act;
if so, please state:

- a. The date that any such claim was first filed; and
- b. The date that you first received notice of any such claim; and
- c. On a year-by-year basis, state the total number of such claims that were filed, state the number of claims or cases of pneumoconiosis by type, including silicosis and asbestosis for each year, and for each such year state the number of employees who actually received benefits under any occupational disease or workmen's compensation statute for asbestosis, silicosis or any other lung pathology; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 39 on the grounds that it is overly broad, seeks information which is not relevant or material to the present case, and is not reasonably calculated to lead to the discovery of admissible evidence.

40. State whether you have been named as a Defendant in any lawsuit previous to this present action by users or persons who actually or allegedly were injured by exposure to your ACP(s). If your answer is in the affirmative:

- a. State the date on which the first such lawsuit was so filed, the style of such lawsuit, the forum in which such suit was filed, and state the style of the action and the docket designation of the suit; and
- b. Commencing with the calendar year in which the lawsuit identified in (a) was instituted, state the total number of any such lawsuits which have been filed against you each successive calendar year since the year in which the

first such suit was instituted; and

- c. If any verdicts have been returned against you in any such action, state the style of each such lawsuit, the court in which each such suit was tried, the docket number or designation of each such suit, the amount of the verdict returned against you in each such suit and state whether the verdict was appealed (if so, give result and court), settled (if so, give the amount of the settlement) or paid; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 40 on the grounds that it is oppressive and unduly burdensome, seeks information which is not relevant or material to the present case, and that it is not reasonably calculated to lead to the discovery of admissible evidence.

41. Identify each expert whom you expect to call as a witness at trial and state the subject matter on which each expert(s) is expected to testify, state the substance of the facts and opinions to which each expert(s) is expected to testify, give a summary of the grounds for each such opinion and state the subject area or areas as to which such expert will give testimony and has previously testified. Additionally, for each expert(s) state whether said expert has ever been disqualified as an expert witness by any court and, if so, identify the court and state the case in which said disqualification occurred.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

To date no experts have been identified. Kentile specifically reserves the right to supplement this response when Kentile determines that it will call an expert as a witness at a trial of this matter.

(a) No answer is required.

42. If you contend that any ACP(s) named in your answer to Interrogatory 4, 5, 6 or 7 was/is not dangerous to the health of persons coming into contact with same, identify each such product, and as to such product(s), identify all documents and any other information upon which you rely, and identify each individual who has knowledge of such facts, opinions, conclusions, and documents and other information.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No ACPs were identified in response to interrogatories numbered 4, 5, 6 or 7.

(a) No answer is required.

43. State when you first became aware that asbestos when breathed into the lungs was: (i) alleged to be hazardous to the breather; (ii) acknowledged to be hazardous to the breather; and (iii) from whom you obtained this information; (iv) and what action you took if any, upon receiving this information.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 43 to the extent that it requires scientific or medical knowledge outside its

expertise. Without waiving its objection, Kentile first became aware of concerns related to asbestos in the Johns-Manville letter of October 1, 1968. It was not until sometime in the mid 1970's through the news media and industry publication that Kentile became aware that it was alleged that pulmonary diseases and illnesses were associated with inhalation of asbestos. As Kentile denies the intended use and handling of its asbestos containing products is hazardous in any way, such information related to prolonged occupational exposure to asbestos dust is unrelated and irrelevant to any plaintiffs' alleged exposure to Kentile products. Kentile is unaware of any credible allegations, documents or studies which assert any risk in connection with the use of its products nor has Kentile ever believed such a risk exists. However, Kentile has no scientific or medical knowledge indicating a causal connection between asbestos and disease.

44. State when you first became aware that ACP(s) or their containers were being labeled with warnings or notices concerning or referring to the risks or dangers of the use of and exposure to ACP(s), identify the person who first obtained such knowledge and identify the product and manufacturer connected with such warning or notice.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile first became aware in the mid 1970's.

(a) To the extent that any such documents exist, said documents will be made available to plaintiffs at plaintiffs' costs at a time and place mutually agreeable to the parties.

45. When, if at all, did you first place labels, notices or warnings on each ACP(s) identified in your answers to Interrogatory 4, 5, 6 or 7 regarding or concerning the risks or dangers of the use of and exposure to any ACP(s)?

- a. Describe each such label, notice or warning on each product, including composition, text, size, shape and color; and
- b. If any label, notice or warning has ever changed, describe each change and give the reason for each change; and
- c. Identify any union, governmental agency or other entity with whom or by whom each label, notice or warning was ever reviewed or discussed and state, in detail, the dates and nature of the action taken; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

No ACPs were identified in interrogatories numbered 4, 5, 6 or 7.

(a) - (e) No answer is required.

46. If you did not place a label, notice or warning on your ACP(s) when you first learned that some other entity was placing a notice or warning on its ACP(s), why did you refrain from doing so?

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 46 as vague and ambiguous. If the Plaintiff is referring to ACP(s) identified in

response to interrogatories numbered 4, 5, 6, or 7, then Kentile's response would be no ACPs were identified in interrogatories numbered 4, 5, 6, or 7.

47. Did you perform, engage others to perform or become aware of tests of the safety of your ACP(s) or of products similar in function to your ACP(s), including but not limited to animal studies, fiber release studies or other studies, and, if so, state all facts, opinions, conclusions, and identify all documents and any other information which you assert supports this position, and identify the individuals who have knowledge of such facts, opinions, conclusions and any other information, and identify the applicable documents.

- a. Identify each study or test, describe the protocol used in each study or test and explain in detail the results of each study or test; and
- b. Identify any union, governmental agency or other entity with whom or by whom the study or test was ever reviewed or discussed and state, in detail, the dates and nature of the action taken; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each persons(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

Kentile is aware of studies released by the Resilient Floor Covering Institute and companies whose products are similar in nature to Kentile's.

(a) - (d) Kentile objects to subparts (a) - (d) on the grounds that it is unduly burdensome and oppressive and the information sought is in the public domain and readily available

to both parties. Without waiving its objection to the extent copies of any studies are retained by Kentile, said documents will be made available to plaintiffs at plaintiffs' expenses at a time and place mutually agreeable to the parties.

48. State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning warnings which you have given to users of your ACP(s), and identify any individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 48 on the grounds that as written it is nonsensical.

- (a) No answer is required.

49. State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning warnings given to users of ACP(s) by other manufacturers and suppliers of ACP(s), and identify any individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

None.

- (a) No answer is required.

50. State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning

protective devices which you recommended be used by persons working with or exposed to ACP(s) and the actual use of such facts, opinions, conclusions and other information and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile would recommend the Recommended Work Practices of the Resilient Floor Covering Institute be followed by persons working with asbestos containing floor tile.

- (a) Copies of this publication will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

51. State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning protective devices recommended by other manufacturers and suppliers of ACP(s) and the actual use of such devices; identify any individuals who have knowledge of such facts, opinions, conclusions and other information and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Any information which Kentile has obtained concerning protective devices recommended by other manufacturers and suppliers of ACP(s) has been gained largely through litigation. Kentile has no facts, opinions or conclusions, which relate to protective devices recommended by other manufacturers or suppliers of ACP(s).

52. Do you contend that there was no need or reason or that you did not have to give warning of the risks and dangers of the

use of and exposure to ACP(s) until the adoption of OSHA regulations? If so, state all facts, opinions, and conclusions, and identify all documents and any other information which you assert supports this position, and identify the individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 52 on the grounds that it does not understand what information is being sought.

53. Do you contend that there now exists or has at some point existed any distinction (with respect to exposure to ACP(s) and the health ramifications thereof) between any one or more of the following: miners, millers, textile workers, asbestos plant workers, construction workers (including but not limited to applicators of spray-on ACP(s)), insulators, shipyard workers or those persons who worked in proximity to such workers? If you do so contend, state all facts, opinions, and conclusions, and identify all documents and any other information which you contend support this position and identify the individuals who have knowledge of same.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 53 on the grounds that it does not understand what information is being sought. However, if the import of the question is whether there is scholarly research discussing the impact of asbestos exposure upon

various trade groups, it is Kentile's understanding that such research exists.

(a) Kentile objects to subpart (a) on the grounds that it seeks information in the public domain that is readily available to both parties.

54. Did you ever attempt by written communications to apprise anyone of the health and safety effects of exposure to asbestos?
If so:

- a. The date of each communication; and
- b. Identify the author of each such written communications; and
- c. Identify the person who first recommended such communication; and
- d. State the means used by Defendant to transmit same; and
- e. Identify the custodian of all such written communications; and
- f. Identify any person or entity that received such communications or to whom they were directed; and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

From 1978 until it ceased manufacturing of asbestos containing floor tile in 1986, Kentile provided a general warning that sanding of asbestos containing floor tile may cause asbestos fibers to become airborne.

- (a) 1978-1986.
- (b) Kentile Floors, Inc.
- (c) Unknown.
- (d) Sales literature, brochures, flyers and inserts contained in boxes with product as sold.
- (e) Kentile Floors, Inc.
- (f) These communications were directed to purchases as well

as installers, employees and agents of the purchaser or installer.

(g) To the extent that documents exist, they will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

55. Have you ever maintained a formal or informal library or libraries, or collection of materials which, in any way, deal with or contained information relating (directly or indirectly) to asbestos, industrial hygiene, medicine, safety and/or engineering? If so, state:

- a. The date you established each such library; and
- b. The location of each such library; and
- c. The names and addresses of the librarians of each such library since 1920; and
- d. The title, author and publisher of all journals subscribed to or acquired by the Defendant concerning asbestos, industrial hygiene, medicine, safety and/or engineering, as well as the dates of the subscriptions or acquisitions of each; and
- e. The title, author, publisher and date of publication of all books and articles which were or are in each such library, dealing with asbestos and asbestos-related diseases and the date each was acquired; and
- f. For whose use the library or libraries were established; and
- g. Who, in fact, uses the library or libraries; and
- h. Why, in each instance, the library was established; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile has not maintained any such library or libraries.

(a) - (i) No answer is required.

56. Have you conducted or had conducted for you or

participated in any investigation, study, test, review or analysis (hereinafter referred to as "study"), concerning pneumoconiosis generally and/or asbestos-related diseases, illnesses or injuries and/or the safety aspects concerning the use of ACP(s), if so, for each such study state by:

- a. The date each study was commenced; and
- b. The date each study was concluded; and
- c. The name and address of the person, association, organization or agency authorizing the study; and
- d. The name, address and job title of the person in charge of the study; and
- e. The names, addresses and job titles of the persons participating in the study; and
- f. The title and subject of the study; and
- g. The result of each study; and
- h. The statistical analysis made, stating the results and describing the data and assumptions upon which they were based; and
- i. If in writing, identify the present custodian of same; and
- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No.

(a) - (j) No answer is required.

57. Do you have in your possession or have knowledge of any books, pamphlets, memoranda, correspondence, reports, studies, minutes of meetings, articles in newspapers, magazines, periodicals or journals, or other document(s) of any kind or character that would indicate that asbestos when inhaled is or may be dangerous to the health of human beings? If so, please set forth with regard to each such document:

- a. The identity of each such document; and
- b. The date each such document was published and the name of the publisher and author; and
- c. The date Defendant first acquired knowledge of each such document; and
- d. The date Defendant first acquired possession of each such document; and
- e. The name, job title and address of each person who currently has possession of any such documents; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 57 on the grounds that it seeks information which is not relevant to the encapsulated asbestos contained in floor tile. Without waiving its objection, Kentile has in its possession some documents collected subsequent to being named as a defendant in asbestos litigation. To the extent that such documents exist, they will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

58. Do you contend that ACP(s) can be manufactured so as to eliminate all potential health hazards to those using and in the vicinity of said products? If so, please explain each and every reason in detail why, and state:

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Yes. Kentile denies that any fibers are released during the use or in the vicinity of its asbestos containing floor tile nor

does its floor tile become friable when fractured or cracked. Asbestos fibers contained in Kertile floor tile are encapsulated. Dust, potentially created during mixing and manufacturing, is irrelevant to this case.

(a) To the extent that documents exist that are responsive to interrogatory numbered 58, said documents will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

59. Do you contend ACP(s) can be used without causing health hazard? If so, explain each and every reason in detail why, and state:

- a. The methods used to achieve such freedom from health hazards for each use of ACP(s); and
- b. The date each such method named above first came to be known to you and how; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Please refer to response to interrogatory numbered 58.

60. Have you at any time required your employees who worked directly with ACP(s) to wear respirators, gas masks or other protective clothing, and/or to utilize dust control equipment or other devices? If so, explain each and every reason why and state:

- a. The date you first required employees to do so; and
- b. Whether your requirement or policy is embodied in any corporate memoranda, employee manual, or stated in any other documents and, if so, identify each such document; and
- c. Whether instructions for the proper use of said devices or clothing were communicated to your employees and, if so, how; and
- d. Whether any employees were warned or reprimanded for

failure to use such devices or to wear such masks or protective clothing; and

- e. Whether you provided or furnished the devices or protective clothing to your employees and, if so, what devices or protective clothing were provided or furnished, what years was each provided or furnished, and from whom were they purchased or acquired; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

In 1972, by OSHA regulation, dust masks became mandatory for floor tile manufacturers. Kentile adhered to OSHA regulations which are public record and equally accessible to all parties.

61. If you contend there are differences between asbestos types (i.e., chrysotile, amosite and crocidolite or otherwise) with respect to their abilities to cause disease in humans, state all facts, opinions and conclusions relied upon to support your contention, identify all documents relating to same and all persons with knowledge of same.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile lacks any information upon which to answer interrogatory numbered 61. However, it is Kentile's understanding that certain scholarly research suggests that there are differences between asbestos types (i.e., chrysotile, amosite and crocidolite or otherwise) with respect to their abilities to cause disease in humans. The research is in the public domain and equally available to plaintiffs and Kentile.

62. Identify each and every insurance policy for which you claim or have claimed in the past that said insurance policy provided coverage, in whole or in part, for claims against you based on personal injury alleged to arise from or to be related to exposure to ACP(s) or your activities involving ACP(s) and identify the following for each:

1. Insurer: Specify exactly as named in the insurance policy or other document evidencing coverage.
2. Insured: The insured named in the policy.
3. Policy Period: Refer to the actual period for which the insurance policy is in effect.
4. Policy Type: Specify whether primary, excess or self-insured.
5. Policy Form: Enter the codes (A, B, C, etc.) that describe the insurance policy form:

A. Pre-1966 Standard Form Insurance Policy. (Pre-1966 Standard form Insurance Policy means an insurance policy containing substantially the same defense of suits clause as the pre-10/1/66 National Bureau of Casualty Underwriters editions of the standard general liability insurance policy).

B. The insurance policy does not pay allocated expenses following exhaustion of aggregate limits. (Allocated expenses means all fees and expenses incurred for services performed directly attributable to the defense and disposition of a particular asbestos-related claim).

C. The insurance policy does pay allocated expenses following exhaustion of aggregate limits.

D. The insurance policy expressly provides coverage on a specific manifestation basis.

E. The insurance policy expressly provides coverage on a claims-made basis.

F. The insurance policy expressly provides coverage on a first discovery basis.

G. The insurance policy pays allocated expenses and such expenses do not apply against aggregate limits.

H. The insurance policy pays allocated expenses and such expenses apply against aggregate limits.

I. The insurance policy does not pay allocated expenses.

6. Per Occurrence Accident

Limits: Refer to the limit for any one occurrence of any one accident.

7. Products Aggregate:

Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily

injury, property damage and other covered perils;
if so, refer to the combined limit.

8. Products Aggregate Consumption:

The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claims. List such consumption.

9. Types of Deductibles and Retentions:

Enter the codes (J, K, L, etc.) that described the type of deductible or retention and thereafter, the amount:

- J. Per occurrence deductible
- K. Per claim deductible
- L. Deductible reduces the aggregate limits of the insurance policy
- M. Self-insured retention
- N. Loss Limit
- O. Other

10. Policy Number: Specify exactly as contained on the insurance policy or other evidential documents of coverage.

With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 62 on the grounds that it seeks information outside the scope of Miss.R.Civ.P. 26(b)(2).

63. With respect to each insurer identified in your answer to the preceding interrogatory, state with specificity whether said insurer or any entity acting for or on behalf of said insurer:

- a. Made or conducted any inspection of your plant(s), building(s), facility(ies), hull(s) or any job site(s) where you were using ACP(s) or where your ACP(s) were being used; and
- b. Performed any tests, inspections, reviews, analysis, examinations or any other process or procedure of any ACP(s); and
- c. Participated in studies, participated in funding studies

or provided information concerning studies about ACP(S)(sic); and

- d. Identify all communications between you and your insurer or any agent thereof relating to any safety information, safety inspections, tests, reviews, examinations, instructions, mandates, suggestions, observations or any other insurance-related correspondence concerning your ACP(s) or work; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Not applicable, no insurers identified in response to interrogatory numbered 62.

64. Identify all past and present officers, agents, servants, employees, representatives, consultants or independent contractors of this Defendant who have ever testified or been deposed in connection with any claim or lawsuit for asbestos-related disease or exposure and provide a brief summary of the subject matter about which each person testified.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents, included but not limited to, deposition(s) and transcription(s) of testimony which are relating to, concerning or referencing the information contained in your answer or the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 64 on the grounds that it exceeds the scope of Miss.R.Civ.P. 26. However, without waiving its objection, Kentile research chemist, Rocco Sergi, is the only Kentile employee who has given a deposition in an asbestos-related claim or lawsuit. Mr. Sergi's deposition was

taken in connection with an asbestos-in-buildings lawsuit. Mr. Sergi's deposition will be made available to plaintiffs at plaintiffs' expense at a time and place mutually agreeable to the parties.

65. If you are or were a contractor or a subcontractor at Ingalls, state whether Ingalls supplied, produced, or distributed asbestos or any ACP(s) to you during the performance of any contract or subcontract with or at Ingalls. If so, identify the specific ACP(s) and for each such ACP(s) state:

- a. Whether any formal or informal distribution system(s) exists or existed at Ingalls for products or materials, including but not limited to ACP(s), used in the performance of any contract or subcontract with or at Ingalls. If so:
 - i) Identify the person or business entity that established, organized, operated, maintained or otherwise was responsible for the distribution system; and
 - ii) Identify the person or business entity that was responsible for ordering, purchasing or otherwise obtaining the products or materials distributed through the system; and
 - iii) State whether Ingalls' subcontractors or any other person or business entity who used the products or materials obtained through the distribution system requested or were permitted to request specific brand name products or specific manufacturer's products. If so, identify the specific products requested or the specific manufacturer whose products were requested; and
 - iv) State the years during which the distribution system was in operation; and
 - v) State whether any instructions or directions, whether oral or written, were provided to you

by anyone with regard to purchasing, requesting, ordering or otherwise obtaining any products or materials through the distribution system. If so, identify all documents establishing or relating to in any way said directions or instructions, and identify all oral communications, including, but not limited to, the date(s) of the communications, the name(s) of the person(s) who gave the instructions or directions, the name(s) of the person(s) to whom they were given, and the substance of the communication; and

vi) State whether any warning or notice, whether oral or written was given to you by anyone that any of the products distributed through the system contained asbestos or that the use of or exposure to ACP(s) or the inhalation of asbestos fibers could pose a health hazard. If so, identify all documents establishing or relating in any way to said warning or notice, and identify all oral communications, including but not limited to, the date(s) of the communication(s), the name(s) of the person(s) who gave the warnings or notice, the name(s) of the person(s) to whom they were given, and the substance of the warnings or notices; and

b. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile is not and was not a contractor or subcontractor at Ingalls.

(a) - (b) No answer is required.

66. State whether you, Ingalls or any other business entity

ever provided any warning or notice, either oral or written, to any person to the effect that ACP(s) were present or being used, installed, abated or otherwise existed at Ingalls or that ACP(s) were upon any of the vessels or hulls being constructed, repaired, stored or were otherwise located at Ingalls. If so, identify all documents establishing or relating in any way to said warning or notice, identify all oral communications, state the date(s) of each such warning, notice or communication, the name(s) of the person(s) or entity who gave each warning or notice, the name(s) of the person(s) or entity to whom each warning or notice was or were given and the substance of each warning or notice.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

To the best of its knowledge Kentile supplied no ACPs to Ingalls. Kentile has no knowledge whether Ingalls or any other business entity ever provided any warning or notice, either oral or written, to any person to the effect that ACP(s) were present or being used, installed, abated or otherwise existed at Ingalls or that ACP(s) were upon any of the vessels or hulls being constructed, repaired, stored or were otherwise located at Ingalls.

(a) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor any asbestos containing products or that any of Kentile's asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

67. What steps or actions, if any, did you or Ingalls take or what procedure(s) were established for providing your employees, Ingalls' employees or Ingalls' subcontractor's employees with a safe working environment?

- a. Did you or Ingalls hire, engage, employ or designate any

person(s) or entity to be specifically responsible for safety or for providing the workers with a safe workplace? If so, identify each such person(s) or entity and state the years in which each person(s) or entity acted in this capacity, the person's or entity's training, education or qualifications and any instructions provided to them concerning the performance of their job or responsibilities; and

- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

None.

(a) To the best of its knowledge Kentile supplied no ACPs to Ingalls. Kentile has no knowledge of what procedure(s) Ingalls established for providing Ingalls' employees or Ingalls' subcontractor's employees with a safe working environment. Kentile had no employees at Ingalls.

(b) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor any asbestos containing products or that any of Kentile's asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

68. Did anyone other than you provide safety or health equipment or devices to your employees who worked directly or indirectly with or around ACP(s) at Ingalls? If so:

- a. Identify the person or entity that provided such equipment or devices to your employees; and
- b. Describe the equipment or devices that were provided and state what years each said type of equipment or device was provided; and
- c. Whether the entity(ies) identified in subpart a. required

- your employees to use the equipment or devices; and
- d. Whether the entity(ies) identified in subpart a. inspected or otherwise took steps to insure the equipment or devices were actually used by your employees; and
 - e. If you did not also provide such equipment or devices to your employees, explain in detail why; and
 - f. If you did provide such equipment or devices to your employees, explain in detail why; and
 - g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile had no employees at Ingalls.

(a) - (f) No answer is required.

(g) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor any asbestos containing products or that any of Kentile's asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

69. State whether you knew or had notice that any person(s) was applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls. If so, state with specificity the following:

- a. Identify the person or entity that you knew applied, removed, abated or otherwise used ACP(s); and
- b. The date(s) you knew such person(s) or entity(ies) applied, removed, abated or otherwise used ACP(s); and
- c. The steps you took to protect your employees from exposure to the ACP(s); and
- d. The steps the person(s) or entity(ies) identified in subpart a. above took to protect you or your employees from exposure to the ACP(s); and
- e. If you did not take steps to protect you or your

employees from exposure to the ACP(s), explain each and every reason, in detail why; and

- f. If you did take steps to protect you or your employees from exposure to the ACP(s), explain each and every reason, in detail why; and ,
- e (sic). With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No.

(a) - (d) No answer is required.

(e) - (f) Kentile had no employees at Ingalls.

(e) (sic) No such documents have been found. In spite of repeated requests therefor, plaintiffs have failed to produce any documents which would evidence that Kentile sold, supplied or distributed to Ingalls or an Ingalls subcontractor any asbestos containing products or that any of Kentile's asbestos containing products were ever used at Ingalls. Kentile does not believe that any such documents exist, and no documents reviewed by it suggest otherwise.

70. Did you provide workmen's compensation coverage, under any state or federal workmen's compensation statute, for your employees during the period(s) of time you performed work or any contract at Ingalls? If so, state:

- a. The years you provided workmens' compensation coverage for your employees; and
- b. Identify the insurer(s) who issued the workmen's compensation insurance and, for each such insurer(s), state the years each provided such insurance; and
- c. Whether you have ever qualified as a self-insurer and, if so, what years were you self-insured; and
- d. Whether Ingalls or any other business entity provided or paid workmen's compensation to your employees and, if

so, identify the entity that did so and state the years during which workmen's compensation coverage was provided or paid for your employees, whether this situation was the result of an agreement or contract with Ingalls or any other business entity, and, if so, identify, the entity and produce copies of the agreement or contract; and

- e. Identify the person or entity that paid the workmen's compensation claims made by your employees who worked at Ingalls; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

To the best of its knowledge Kentile performed no character of work or supplied any ACP(s) to Ingalls. Therefore, it had no employees at Ingalls and for that reason provided no workers' compensation.

(a) - (f) No answer is required.

71. Do you know whether Ingalls, any Ingalls subcontractor or any other person or business entity knew you or your employees were applying, removing, abating or otherwise using asbestos or any ACP(s) at Ingalls? If so, state with specificity:

- a. Identify the person or business entity, and
- b. When each such person(s) or entity(ies) attained such knowledge; and
- c. How each such person(s) or entity(ies) attained such knowledge; and
- d. Whether any such person(s) or entity(ies) expressed any concerns, reservations, objections or otherwise commented upon the safety, application, removal, abatement or other use of such products or materials and, if so, identify such person(s), and the date, substance and identity of each such communication; and

- e. If you did not inform Ingalls that you were or your employees were applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls, explain each and every reason for said conduct, in detail; and
- f. If you did inform Ingalls that you or your employees were applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls, explain each and every reason for said conduct, in detail; and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No. Neither Kentile nor its employees applied, removed, abated or otherwise used asbestos or any ACP(s) at Ingalls.

(a) - (g) No answer is required.

72. State whether you have ever planned, supervised, requested, performed or participated in any abatement of ACP(s) either at any facility owned or controlled by you or at any facility owned or controlled by Ingalls? If so, state:

- a. The date(s) of each abatement, the location of each abatement and your role in each abatement; and
- b. The specific process or procedure followed or implemented to accomplish the abatement, including but not limited to, the following:
 - i) The protective clothing or devices were provided or used by those persons participating in the abatement, describing each in detail; and
 - ii) How long each such protective clothing or device had been available prior to the date each was first used by you at Ingalls during the abatement described in subpart a; and
 - iii) The identity of the person or business entity that sold, manufactured, distributed or provided each such protective clothing or device for use during

each abatement identified in subpart a; and

- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

RESPONSE:

Yes, Kentile had asbestos products removed from one of its own facilities in connection with the sale of the building, but the asbestos products removed were not manufactured by Kentile.

(a) - (c) Kentile objects to subparts (a) - (c) as the information requested is irrelevant and not likely to lead to permissible discovery.

(d) Rocco Sergi.

73. Other than the person(s) identified in your answer to Interrogatory 1, identify and state the job title of each person(s) or entity(ies) who were contacted in answering these interrogatories and responding to these requests for production who provided information or advice for the answering of the interrogatories and responding to these requests for production.

RESPONSE: No one.

74. State when you were first advised or had knowledge of either threshold limit values (TLV's) or maximum allowable concentrations (MAC's) of both asbestos dust and total dust as published by the American Conference of Governmental Industrial Hygienists (ACGIH) and state:

- a. the identity of each of your employee(s) and official(s) receiving such advice or knowledge; and
- b. the dates when and circumstances by which such knowledge can(sic) to your attention; and
- c. any action taken or communication made by you concerning such knowledge; and

- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 74 on the grounds that the information requested does not relate to the encapsulated asbestos found in floor tile therefore the information requested is not likely to lead to any discoverable information related to Kentile.

75. Identify all spray-on type products including but not limited to, fireproofing, soundproofing, acoustical plasters and texture treatments ever manufactured, sold, distributed, licensed and/or rebranded by or for you. For each identified state:

- a. the plant where the product was manufactured;
- b. the dates of manufacture;
- c. intended use for the product;
- d. asbestos fiber type used in each product;
- e. percentage of asbestos fiber in each product;
- f. the person or persons who invented and/or formulated the product; and
- g. the reasons why each such product was taken off the market.
- h. with respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

None.

- (a) - (h) No answer is required.

76. State whether any insurance carrier or company has denied insurance coverage or has declined to insure you or any of your subsidiaries or divisions because of asbestos dust conditions at your plants, or because of employee lung disease complaints or for

any other reason related to ACP(s). If so, identify each such insurance carrier, the reason the coverage was denied or declined, the dates of each denial or declination. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

Kentile objects to interrogatory numbered 76 on the grounds that the information requested is not relevant or material to the present litigation nor reasonable calculated to lead to the discovery of admissible evidence.

77. During the time period in which you manufactured the spray-on asbestos containing products identified in answer to Interrogatory 75, state the levels of asbestos dust you anticipated users, including spray-on applicators, would be exposed to in using your spray-on products. Include in your answer any tests performed by you or by others on your behalf which support your answer and attach copies of all such tests. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating, to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No spray-on products were identified in response to interrogatory number 75.

78. Identify each of your present, former employees and agents who, between 1938 and today who are the most knowledgeable about each of the following topics:

- a. Marketing of asbestos-containing products;
- b. Sales of asbestos-containing products;
- c. Development of non-asbestos substitutes for asbestos-containing products.
- d. Labelling and warnings for asbestos-containing products;
- e. Research and development of asbestos-containing products;
- f. Research and development of each spray-on product

identified in answer to Interrogatory No. 77;

- g. Purchase of asbestos fibers;
- h. Sales of asbestos fibers;
- i. Scientific, medical or trade journals received by you or your employees;
- j. Scientific, trade or industry groups or organizations to which you or your employees belonged.
- k. Asbestos-containing products licensed to or by you;
- l. Purchase or sale of other asbestos product companies and possible successor liability;
- m. Customer or user companies or inquiries about the friability, dusting, flaking, fall out, drop out or separation of your spray-on products; and
- n. Location and authentication of your documents.

RESPONSE:

(a) - (b) Kentile has not manufactured any asbestos containing products since 1986. It is currently not known which employee or former employee would be most knowledgeable regarding sales or marketing of asbestos containing products.

(c) - (e) Rocco Sergi.

(f) Not applicable to Kentile, Kentile produced no spray-on products.

(g) Rocco Sergi.

(h) Not applicable to Kentile, Kentile never sold asbestos fibers.

(i) - (j) Rocco Sergi.

(k) Not applicable.

(l) None.

(m) Not applicable, floor tile is not a friable product.

(n) Would depend on nature and location of document. For research and development documents, Rocco Sergi.

79. Have you or your predecessors or affiliates at anytime required your employees who worked directly or indirectly with asbestos or ACP(s) to undergo medical examinations, to have chest roentgenograms, or pulmonary function tests? If so, explain each and every reason why and state:

- a. whether such examination or tests were required, at least in part, because of the health hazards presented by asbestos inhalation;
- b. the date your(sic) or your predecessors or affiliates first required employees to undergo such examinations or tests;
- c. whether this requirement or policy was or is embodied in any corporate memoranda, employee manual, or stated in any other document;
- d. if the examinations or tests were conducted on site by company physicians and the names and current addresses of said physicians;
- e. if the examinations or tests were conducted or analyzed off-site or by and independent physicians, clinic or other health care provider, and the names and current addresses of said health care providers;
- f. whether the Saranac Laboratories, Saranac Lake, New York, were involved in any way in such examinations and testing;
- g. whether the examinations were conducted at the employers' expense.
- h. whether any dates was compiled or retained from such examinations and testing, and if so, the place and manner of its storage, and the identity of the custodian of said data;
- i. whether medical records generated by such examinations and testing were maintained, and if so, the place and manner of its storage, and the identity of the custodian of said records; and
- j. with respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

RESPONSE:

No.

(a) - (j) No answer is required.

80. If you assert the defense of insufficiency of process, state:

- a. the legal grounds upon which you base your assertion of insufficiency of process; and
- b. the factual grounds upon which you base your assertion of insufficiency of process; and
- c. the correct legal name and the present address of the home office of the Defendant; and
- d. the identity of each present officer of the Defendant; and
- e. the identity of each agent for service of process of the Defendant within the state of incorporation of the Defendant; and
- f. the identity of each agent for service of process of the Defendant within the state of Mississippi; and
- g. the identity of each agent for service of process of the Defendant within the state in which the Defendant principally conducts business and name said state.

RESPONSE:

(a) Kentile relies upon the Mississippi Rules of Civil Procedure and the laws of the State of Mississippi.

(b) To the extent that this Court lacks in personam jurisdiction of Kentile, venue is not properly laid before this Court. Furthermore, in certain cases service was attempted upon the wrong entity. See answers filed in each of the above cases.

(c) Kentile Floors, Inc., Brooklyn, New York.

(d) Andrew G. Kennedy, President; Carl A. Schwarz, Executive Vice President; William Mailler, Vice President and Chief Financial Officer; Gregory Miller, Corporate Controller; Robert Hennessey, Vice President Sales and Marketing; Peter Weimar, Vice President Product Development; Thomas Cerchiaro, Vice President Manufacturing.

(e) Please refer to officers listed in subpart (d).

(f) None.

(g) Please refer to officers listed in subpart (d).

Respectfully submitted,

By:

Rocco R. Esq.

Title:

Kentile Floors, Inc.

COUNTY OF

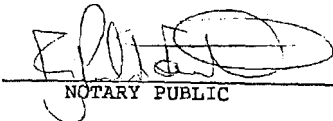
KINGS

STATE OF NEW YORK

SWORN TO AND SUBSCRIBED BEFORE ME, this, the 2ND day of

March

, 1992.


NOTARY PUBLIC

My Commission Expires:

FRANZ RICHARD FAIRWEATHER

Notary Public, State of New York

No. 24-01FA4944166

Qualified in Kings County

Commission Expires Nov. 14, 1992

CERTIFICATE OF SERVICE

I, Jon Mark Weathers, attorney of record for Kentile Floors, Inc. do hereby certify that I have this day mailed, postage prepaid, by United States mail, a true and correct copy of the above and foregoing Kentile Floor, Inc.'s Response to Plaintiffs' Interrogatories and Requests for Production of Documents to all counsel of record in accordance with the service list filed with the Circuit Court Clerk.

THIS, the 4th day of March, 1992.

Susan Coco for
Jon Mark Weathers

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

IN RE:

ASBESTOS PERSONAL INJURY CASES ABRAMS LEAD NOS.
88-5422(2), 89-5088(2), 89-5121(2), 90-5247(2),
88-5420(2), 89-5252(2), 90-5069(2), 90-5322(2),
89-5153(2), 90-5352(2), 89-5268(2), 90-5045(2),
90-5274(2), 88-5181(2), 91-5187(2), 91-5098(2),
91-5000(2), 90-5387(2), 91-5119(2), 90-5369(2),
91-5135(2), and 90-5178(2)

NOTICE OF SERVICE OF PLEADING

Comes now Kentile Floors, Inc. ("Kentile"), one of the Defendants herein, by its attorneys, and hereby gives notice that it has filed with the Circuit Court Clerk its Response to Plaintiffs' Interrogatories and Requests for Production of Documents.

Respectfully Submitted,

Susan Coco for
Jon Mark Weathers
BRYAN, NELSON, RANDOLPH,
LAND & WEATHERS
Attorneys at Law
P.O. Drawer 1857
Hattiesburg, MS 39403-1857
(601) 545-3550

CERTIFICATE OF SERVICE

I, Jon Mark Weathers, attorney of record of Kentile Floors, Inc., do hereby certify that I have this day mailed, postage prepaid, by United States mail, a true and correct copy of the above and foregoing Notice of Service of Pleading of Response to Plaintiffs' Interrogatories and Requests for Production of Documents, to Complaint, to all counsel of record in accordance with the service list filed with the Circuit Court Clerk.

THIS, the 4th day of March, 1992.

Susan Coco for
Jon Mark Weathers

