

**SUPREME COURT OF THE STATE OF NEW YORK
EIGHTH JUDICIAL DISTRICT**

**In Re Eighth Judicial District
Asbestos Litigation**

**EIGHTH JUDICIAL DISTRICT
ASBESTOS LITIGATION**

This Document Applies to:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

Index No. 11998-7056

**ITALO CASALI and
CALVINA CASALI, his spouse,**

Plaintiffs,

vs.

ACANDS, INC., et al.,

Defendants.

**THE FLINTKOTE COMPANY'S SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

GENERAL OBJECTIONS

Defendant The Flintkote Company refers plaintiffs to the General Objections set forth in The Flintkote Company's Responses to Plaintiff's First Set of Interrogatories, and incorporates those paragraphs herein as if fully restated. Without waiving any of the referenced objections, defendant states as follows:

7. Asbestos Products - Manufacture

A. Have you ever manufactured any of the following category of asbestos-containing products:

1. mortar;
2. additives;
3. grout;
4. adhesives;
5. thinset;
6. mastics;
7. epoxy;

PLAINTIFF'S EXHIBIT

FK-292

8. paints;
9. cements; and
10. tiles.

B. If so, as to each category of asbestos products, please state:

1. The time period that product was manufactured;
2. Product trade name;
3. Percentage of asbestos in product;
4. Type of asbestos in product (i.e., chrysotile, amosite, crocidolite);
5. Product size;
6. Product color;
7. Describe packaging of asbestos product as to:
 - a. The type of box/container used;
 - b. The date each type of box/containing was used;
 - c. A physical description thereof, including the size and color of the box/container;
 - d. A description of size and color of any printed material that appeared on or in the box/containing stating:
 - i. A verbatim statement of any warnings or cautions;
 - ii. The date(s) each warning or caution [sic] was first and last used;
 - iii. Identify and product [sic] a copy of the warning or caution.

RESPONSE: Objection. This interrogatory is vague, overbroad, unduly burdensome and calls for information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Also see General Objection No. 1, incorporated herein by reference. Flintkote further objects to this interrogatory because the time period for which information is sought is not limited to the years of plaintiff's alleged exposure to asbestos and/or asbestos-containing products (1958-1990). Without waiving any objections and limiting its response to the relevant time period (1958-1990), Flintkote states that it did not manufacture mortar, additives,

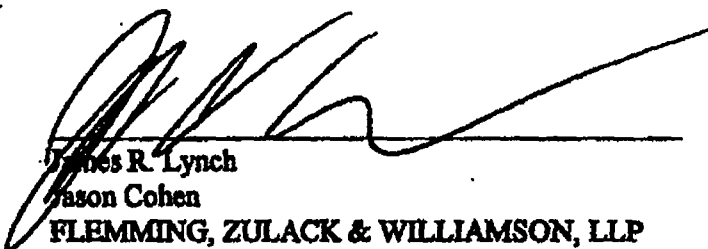
grout, thinset, epoxy or paints. Flintkote manufactured mastics, cements, floor tile and one adhesive. See Attachment 1 for a list of the asbestos-containing mastics, cements, floor tile and adhesive manufactured by Flintkote during plaintiff's alleged years of exposure to asbestos and/or asbestos-containing products. The products on Attachment 1 contained chrysotile fiber. See Attachment 2 for a description of Flintkote's warning labels.

Flintkote's liquid products were packaged in metal cans ranging in size from 1 to 55 gallons. Each can had a label setting forth the current Flintkote trademark, the name of the product, a general description of the product, direction for use and a limited warranty. This general packaging format had always been used for liquid products.

Flintkote's floor tiles were packaged in cardboard cartons. Printed directly on each box was general information including the Flintkote trademark, the name of the product, a general description of the product, directions for use and a limited warranty. This general packaging format had always been used for floor tile.

It is Flintkote's position that the asbestos contained in virtually all of the products it manufactured was fully encapsulated, and that respirable asbestos fibers are not released from these products.

AS TO OBJECTIONS:



James R. Lynch
Jason Cohen

FLEMMING, ZULACK & WILLIAMSON, LLP
One Liberty Plaza
New York, New York 10006
(212) 412-9500

Attorneys for Defendant
The Flintkote Company

ATTACHMENT 1

FLINTKOTE ASBESTOS-CONTAINING PRODUCTS

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
Acid Proof Cement	Van Packer Jt. Cement	Silicate of soda joint cement for Van Packer chimney sections
Acrylic Pavement Coating		Pigmented acrylic latex coating for stone and blacktop embankments
All-Weather Mastic	See Rain Patch	Plastic cement treated to bond to damp surface
Aluminum Roof Coating (810-19)		Aluminum pigmented reflective roof coating
A-66 Coating		Spray grade R.R. car cement
Black Joint Cement	Steadfast Cement	Knife or gun grade joint sealing compound
Railroad Car Cements		All were spray to trowel grade metal protective coatings used by railroad car builders or repair shops
No. 1 Car Cement		" " " " "
No. 1 Car Cement-Pullman		" " " " "
No. 1 Car Cement-No Oil		" " " " "
No. 1 Car Cement-2% Oil		" " " " "
No. 2 Car Cement-No Oil		" " " " "
No. 4 Car Cement		" " " " "
No. 6 Car Cement		" " " " "
No. 263 Car Cement		" " " " "
No. 407 Car Cement		" " " " "
So. Railway Spl. No. 97		" " " " "
Car Cement (Spray)		" " " " "
" " " "		" " " " "
(Trowel)		" " " " "
NYC R.R. No. 1223 F-1		" " " " "
Car Cement		" " " " "
" " " F-2		" " " " "
Car Cement		" " " " "
" " " F-3		" " " " "
Car Cement		" " " " "
" " " F-5		" " " " "
Car Cement		" " " " "
NYC R.R. No. 1223 F-1		" " " " "
(10% oil) Car Cement		" " " " "

ATTACHMENT 1

In Re: Halo Casali
Erie County, NY
7/89

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
" " " F-2 (10% oil) Car Cement IC Car Cement GC L & N Car Cement Missouri-Pacific Car Cement		" "
Colorcoat	Unimastic 152	Latex coating for protection of thermal insulation
Corkcote	Spl. Sanded Premix No. 5	Sand filled asphalt emulsion for protecting cork insulation in freezers
C-13-A (100-14)		Trowel grade emulsion weather protection for insulation (asphalt base)
C-13-AW		Freeze resistant winter grade C-13-A
C-13-C4 (800-13)	Static Fibrated	Brush or spray grade asphalt emulsion roof coating
C-13-LA		Light consistency C-13-A
C-13-SA		" " " " "
C-19 (110-14)	No. 213 Underbody Coating	Brush or spray grade asphalt cutback insulation protective coating
C-20		Asphalt protective coating-Spl. run- short lived
Decoralt Coatings Decoralt (920-04) Decobase Binder (920-05) Decobase (920-06) Decocolor MP (920-27) Decoturf (920-30)	Decocolor (920-04)	These are pigment and filled latex coatings used primarily for surfacing tennis courts
Foamguard Coating (830-11)		A resin base coating for use over urethane foam insulation
Fiber Roof Coating (FTC)	Roof Coating (Fibrated) (810-09)	Spray or brush grade asphalt cutback roof coating
Fibrex Cement	Fibrex 1	Asphalt cutback for cementing

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
		roofing base sheets
Filler Coat (900-20)	Tennis Court Resurfacer	Sand filled levelling and smoothing compound for pavements
Filler Coat Binder (900-15)	[See Thermalkote 100-15]	Heavy binder for mixing with sand in field to make filler coat compound
Flintdek		Sand filled resin coating — made surfaces non-slip
FR-100 (130-25)	Unimastic 150	Pigment resin coating for insulation — fire retardant
FR-200 (110-26)		Fire retardant asphalt cutback — made experimentally at New Orleans but then bought for resale. Protection for insulation.
FR-300 (120-14)		Pigmented latex coating for insulation — fire retardant
GF-8 Tile Cement	R-14-C	Floor tile cement
Hydrostatic Mastic	710-21	Semi-Mastic vapor barrier coating
Levelkote (800-39)	See Static Levelkote	Brush or spray grade asphalt emulsion roof coating
Monoform C	See Rexalt	Spray grade asphalt cutback roof coating for monoform system
N-13-C4		Brush or spray grade asphalt emulsion roof coating
NFR 300		A non-fire retardant version of FR-300 utility coating uses
Nu-Static	Spraykote	A spray grade of C-13-C4 asphalt emulsion roof coating
No. 14 Emulsion		Asphalt emulsion — usage unknown
No. 16 Underbody Prot. Ctg.		Asphalt emulsion auto underbody protective coating

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
No. 54 H.C. Insulation Ctg.		High cork content No. 54 insulation coating
No. 54 Insulation Coating		Cork, vermiculite, charcoal filled asphalt emulsion
No. 69 Insulation Coating		Cork filled asphalt cutback insulation coating
No. 201 Insulation Coating		Asphalt cutback — usage unknown
No. 213 Underbody Coating	See C-19	
No. 222 Underbody Coating		Asphalt cutback — usage unknown
No. 227 Underbody Coating		Military spec. underbody coating-asphalt cutback
No. 32	See C-13-A	This is a slightly thinner version of C-13-A for a pvt. label customer
No. 229 Anti-Sweat Compound		Cork filled asphalt cutback — for condensation control
No. 230 Spray-On Deadener		Automotive sound deadener-asphalt cutback
No. 242		Asphalt cutback — usage unknown
No. 245		Trowel grade asphalt cutback for underbody coating and waterproofing
No. 247		Asphalt cutback — usage unknown
No. 252 Binderseal		Sprayable asphalt cutback-building protection-granule embedment
No. 255		Asphalt cutback — usage unknown
No. 260 Export Box Sealer		Protective coating for export crates-asphalt cutback
No. 276		Asphalt cutback — usage unknown

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
No. 349-1		Rubberized asphalt cutback for automotive sealant
No. 390		Rubberized asphalt cutback for automotive sealant
No. 338 Windshield Sealer		Rubberized asphalt cutback sealer for auto windshields
No. 830-11 Coating		
No. 632 Coating		A fire retardant asphalt emulsion for R.R. car builders
No. 2004 Adhesives		Silicate of soda high temperature insulation adhesive
No. 729 (FXF Type)		Rubber cement
No. 731 (FXF Type)		Rubber cement
No. 732 (FXF Type)		Rubber cement
No. 777		Rubber cement
No. 778		Rubber cement
Plastic Armor Putty		Sealer and caulk for plastic armor-asphalt cutback
Plastic Cement (810-21)		Heavy trowel asphalt cutback for roof flashings and repairs
Plastic Foundation Ctg.		Asphalt cutback waterproofing compound
Roof Coating Fibrated	See Fiber Roof Ctg.	
Rain Patch (810-25)	All Weather Mastic	Plastic cement treated to bond to wet surfaces
Rexalt Roof Coating		Brush or spray grade asphalt cutback roof coating
Rexglas Coating		Glass fibered asphalt emulsion roof coating

<u>Product Name</u>	<u>Synonymous Name</u>	<u>Description</u>
Rex Const. Plastic Binder		Asphalt cutback for roll roofing
Railroad Car Cements	See Car Cements R.R.	
R-14-C	See GF-8	
R-14-D		Trowel grade floor tile cement asphalt cutback
Sewer Joint CPD No. 293		Heavy trowel grade asphalt cutback for sealing sewer pipe joints
Spl. Sanded Premix No. 5	See Cork Mastic	
Spraykote	See Nu Static	
Static Asphalt Fibrated	See C-13-C4	
Static Levelkote		Asphalt emulsion for low slope roofs
Steadfast Cement	See Black Joint Cement	
Stik-Tab Cement		Asphalt cutback for roof shingle tabs
Tennis Court Resurfacer	See Filler Coat (900-20)	
Thermalakote (100-15)	Filler Coat Binder	Heavy trowel grade asphalt emulsion-weatherproof coating
Trowel Mastic		Trowel grade asphalt cutback waterproofing compound
Unimastic 150	See FR-100	
Unimastic 152	See Colorcoat	
Van Packer Jt. Cement	See Acid Proof Cement	
Vapor Seal	No. 710-14 (Ex No. 65)	Semi-Mastic asphalt coating for moisture vapor barrier
Viskalt Flashing Cement	See Plastic Cement	Trowel grade asphalt cutback for roof flashings
Weldon Cement East only		High strength asphalt cutback adhesive for roof membranes

Product Name

Synonymous Name

Description

Skykote

Pigmented asphalt emulsion (colored roofing coating)

Super Stakool White

Cement type dry mix roofing coating

Vinyl Asbestos/Asphalt Floor
tile

Floor tile

WARNING LABELS ON PRODUCTS
MANUFACTURED OR SOLD
BY FLINTKOTE

In the past, for short periods of time, warning labels have appeared on two Flintkote products:

(1) Skykote

From 1977-August, 1979, a warning appeared on the Skykote label which stated as follows:

"Contains asbestos fibers. OSHA has stated that repeated inhalation of asbestos fiber is a health hazard. Harmful if swallowed, keep out of reach of children."

This warning appeared on the upper part of the label.

(2) C-13-C4

From July 29, 1975 to early 1977, the following warning appeared on the C-13-C4 label:

"Warning, this product may not be sprayed in California."

This warning appeared on the upper part of the label.

ATTACHMENT 2

In Re: Italo Casali
Erie County, NY
2/89