

FILE NAME: Kentile (KEN)

DATE: 0000

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DOCUMENT DESCRIPTION: Kentile Answers to Plaintiff's First Interrogatories

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

BOARD OF EDUCATION OF THE CITY	)	
OF CHICAGO, a body politic and	)	
corporate,	)	No. 85 CH 811
	)	
Plaintiff,	)	(Transferred to Law)
	)	
v.	)	Honorable Myron T. Gomberg
	)	
A, C and S, INC., et al.,	)	
	)	
Defendants.	)	
EVANSTON COMMUNITY CONSOLIDATED	)	
SCHOOL DISTRICT NO. 65, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 85 CH 812
	)	
A, C and S, INC., et al.,	)	
	)	
Defendants.	)	
BOARD OF EDUCATION OF HIGH SCHOOL	)	
DISTRICT NO. 211, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 85 CH 3905
	)	
ABITIBI ASBESTOS MINING CO.,	)	
LTD., et al.,	)	
	)	
Defendants.	)	

KENTILE FLOORS, INC.'S ANSWERS TO
PLAINTIFFS' FIRST INTERROGATORIES

OBJECTIONS

All answers are made without in any way waiving or intending to waive all questions regarding the competency, relevancy, materiality, privilege and admissibility as evidence, for any purpose, the answer or subject matter of any interrogatory;

The right to object to the use of any answer in any subsequent proceeding or the trial of this cause or any other action;

The right to object on any ground at any time to a demand for further response to these or any other interrogatories related to the subject matter of the interrogatories answered herein;

All information regarding trade secrets, confidential financial data, or other confidential research, developmental or commercial in nature;

To all information that may not be within the personal knowledge of defendant's current employees;

Any objection to the use of form interrogatories which have not been drafted to make inquiry into the specific issues of this case and therefore are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence;

To the fact that the interrogatories require defendant to gather and summarize information contained in voluminous documents, many of which are a matter of record or are public knowledge or are equally available to the plaintiff and the public;

Defendant hereby adopts the Objections of "certain defendants" to Plaintiff's First Interrogatories dated February 12, 1991, as modified by agreement of counsel:

1. Set forth the name, present address and job title of the officer(s), agent(s) or employee(s) of defendant answering these interrogatories on behalf of defendant, as well as those supplying information in connection with answers to these interrogatories.

ANSWER: Linda Gawel
Assistant Vice President Administration
Kentile Floors, Inc.
58 Second Avenue
Brooklyn, NY 11215

2. Identify the answering defendant as well as all prior names or predecessor entities by which the defendant has existed.

ANSWER: Kentile Floors, Inc., David E. Kennedy, Inc. and Kentile, Inc.

3. Describe in detail your corporate history from 1930, including any mergers, acquisitions or spin-offs having to do with the manufacture or sale of asbestos products. If you have sold any asbestos product line or stock in a company dealing in asbestos products, state the date of the sale and identify the purchaser and identify every document related to each state in the history or transaction set forth above.

ANSWER: David E. Kennedy, Inc. was incorporated December 24, 1907 in the State of New York; Kentile, Inc. 12/1/50; Kentile Floors, Inc. 5/3/64. Additionally, Crest Flooring Distributors, Inc., the wholesale distributor of floor covering, was purchased in March of 1980 and sold in March of 1988.

4. Set forth the state of incorporation, the date of incorporation of defendant and the address of the principal place of business of the defendant.

ANSWER: Kentile Floors, Inc.
58 Second Avenue
Brooklyn, NY 11215

Incorporated through its predecessor David E. Kennedy, Inc. on December 24, 1907.

5. Describe the nature of defendant's business, each address of which defendant conducts or has conducted its business, the geographical area in which defendant conducts its business and the number of years that defendant has engaged in such business.

ANSWER: Objection; this interrogatory is overly broad and requests information that is not relevant or reasonably calculated to lead to discovery of admissible evidence. Without waiving any objections, Kentile is the manufacturer of resilient floor tile. Asbestos-containing floor covering was manufactured at the following locations:

58 Second Avenue
Brooklyn, New York
1906 through 1986

4532 South Kolin Avenue
Chicago, Illinois
1949 through 1986

Kentile Road
South Plainfield, New Jersey
1966 through 1969; and

Torrance, California
1955 through 1977

6. Have you ever mined asbestos? If so, state the dates in which you were involved in mining of asbestos, and the location of your mines.

ANSWER: No.

7. Have you ever milled asbestos? If so, state the dates you were involved in the milling of asbestos and the locations of your milling facilities.

ANSWER: No.

8. Have you ever sold raw asbestos fiber? If so, state the dates you were involved in the sale of raw asbestos fiber, and describe the circumstances of your involvement.

ANSWER: No.

9. List by brand name every product containing asbestos which you have ever manufactured. As to each such product, state the following:

- (a) type of product (e.g., acoustical plaster, fireproofing, etc.);
- (b) the date the product first went into production;
- (c) the last date the product was produced;
- (d) the last date the product was sold;
- (e) all manufacturing locations;
- (f) dates of manufacture at each location;
- (g) the identity of each plant manager or works manager and each quality control superintendent at each location during said production and the dates thereof;
- (h) the percentage of asbestos by weight and volume, and the dates and all reasons for any modification thereto;
- (i) the type of asbestos;

- (j) the source of asbestos;
- (k) the color, physical characteristic, and appearance of the product;
- (l) the constituent materials and the percentage of each by weight and volume;
- (m) a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color(s) and writings thereon;
- (n) all other names under which the product was sold;
- (o) the number and date of each patent or patent application as to the product;
- (p) a precise description of your identifying logo or initials and the dates of inclusion on the product;
- (q) the identity of the custodian of actual containers or photographs of containers of the product; and
- (r) the identity of the custodian of actual samples of the product.

ANSWER: Kentile manufactured only floor tile and vinyl sheet flooring. See attached exhibit submitted in response to subparagraphs (a) through (f) inclusive. Subparagraph (g) has been withdrawn by counsel for plaintiff;

(h) - Approximately 15%. No significant modification. Present changes in composition occurred for quality or economic reasons;

(i) - Chrysotile;

(j) - Johns-Manville Corporation
 Union Carbide Corporation
 Carey Canada Corporation
 Atlas Asbestos Company

(k) - Floor tile - 9 x 9 or 12 x 12, solid squares, in a variety of colors. Vinyl sheet flooring - 6 foot wide combination of vinyl ware material pressed on to felt backing.

(l) - The tile is composed of 75% filler and 25% binder. Chrysotile asbestos comprises approximately 15% of the total product. Vinyl sheet flooring had a felt backing which contained chrysotile asbestos.

(m) - The tile was packaged in corrugated cardboard cartons which held 45 square feet of tile in various gauges. The name of the company, size of the tile packaged, handling instructions, style, color, and code numbers appeared on each carton.

(n) - None.

(o) - No patents.

(p) - For a certain limited period of time in the 1960s, certain residential styles of vinyl asbestos tile were marked with a k in black ink.

(q) & (r) - Linda Gawel
Assistant Vice President - Administration
Kentile Floors, Inc.

10. List by brand name every other product containing asbestos which you have ever distributed or sold. As to each such product, provide the information requested in the preceding interrogatory and in addition state from whom you purchased or obtained the product.

ANSWER: None.

11. Please list all registered trademarks, trade names, or brand names under which your asbestos-containing construction products were marketed.

ANSWER: See attached exhibit and schedule of trademarks.

12. For any patents, trademarks, trade names, or brand names covering your asbestos-containing construction products which are registered in the names of persons, firms, or corporations other than this defendant, please state and describe in complete detail the substance of any agreements, either written or oral, to which this defendant was a party and by which this defendant acquired the right to use such patent, trademark, trade name, or brand name.

ANSWER: Not applicable.

13. State the following with respect to the sale of asbestos-containing construction products during the entire period such products were manufactured or distributed by you:

- (a) the name and description of the sales region or regions for the sale of construction products, including all modifications thereto, which included or serviced this state and the date thereof;

ANSWER: Region V

- (b) the address of each sales office located in said sales region or regions, and the dates thereof;

ANSWER: 4532 South Kolin Avenue
Chicago, Illinois

- (c) the identity of each sales person who sold asbestos-containing construction products in this region, and the dates thereof;

ANSWER: Objection. This subsection is overly broad, unduly burdensome, and calls for information that is not relevant or reasonably calculated to lead to discovery of admissible evidence.

- (d) the identity of all authorized dealers, distributors or wholesalers for Illinois, their responsibilities and the dates thereof;

ANSWER: Crest Flooring Distributors, Inc.
1005 Republic Drive
Addison, IL 60101
1965 through 1989

R & M Sales
2430 North Court Street
Rockford, IL 61103
1972 through the present

James A. Butler & Company, Inc.
701 Lunt Avenue
Elk Grove Village, IL 60007
1985 through 1988

Harlan E. Moore & Company, Inc.
805 South Oak Street
Champaign, IL 61820
1952 through the present

Larson Distributing Corporation
309 12th Street
Moline, IL 61265
1972 through 1989

Wholesale Distributing Company
5921 North Galena Road
Peoria, IL 61614
1980 through 1988

- (e) the identity of all documents which refer, reflect, or relate to the sale, distribution, shipment or installation of asbestos-containing construction products within said region or regions, including, but not limited to, all sales records, invoices, computer printouts, bills of lading, freight bills, shipping orders, or other documents of transfer, and the identity of the person or persons who have the custody thereof;

ANSWER: Written sales records from 1977 through 1988 and computer printouts from 1986 through 1988.

14. Please describe in complete detail the recommended or advertised uses of your asbestos-containing construction products which the design and operation of said products was intended to permit, cover or accommodate. Include whether or not you ever specifically advertised asbestos-containing construction products for use in school buildings, and/or whether or not you ever specifically intended that these asbestos-containing construction products be used in school buildings, and/or whether or not you ever knew that your asbestos-containing construction products would be used or were used in school buildings.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome and requests information that is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, floor covering.

15. Please list each and every reference in your manuals, instruction books, warranty agreements, labels, directions, advertising through any and all media, and all other written documents and broadcast statements or pictures to possible, alternative, recommended, forbidden, foreseeable and other uses of your asbestos-containing construction products and the date each reference was included in the materials and identify all such materials.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and requests information that is not

relevant or reasonably calculated to lead to discovery of admissible evidence.

16. Identify all sales literature including brochures, advertisements, pamphlets or other material pertaining to each asbestos-containing construction product ever manufactured or distributed by you.

ANSWER: Various catalogs, pamphlets, and sales literature containing patterns, colors, sizes, floor preparation installation procedures and maintenance methods.

17. If sales literature or materials were prepared by you or your agents for purposes of marketing or advertising your asbestos-containing construction products, please state:

- (a) The name and address of each person or entity who prepared said sales material.
- (b) the name, address, and job title of each person who presently has possession of same;
- (c) the date or dates said material was prepared;
- (d) the media used to disseminate the sales materials, including the names and dates of periodicals in which any advertisements were placed;
- (e) identify all such written sales literature or materials.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and requests information which is neither relevant nor reasonably calculated to lead to discovery of admissible evidence.

18. Identify by name and address, all building supply houses and retailers of construction materials located in the City of Chicago, its suburbs and outlying regions, and the State of Illinois that were distributors, applicators, retailers or franchisees of any of your asbestos-containing construction products. Please identify any invoices, computer printouts, bills of lading, freight bills, shipping orders, documents of transfer, sales records or receipts relating to the sale of said products to the above-named persons as well as any such document for sales of your product directly to plaintiff.

ANSWER: See answer to interrogatory to 13, subparagraph (d).

19. Identify all documents, including but not limited to, reports, receipts, invoices, computer printouts, sales data, bills of lading, freight bills, shipping orders or documents of transfer which relate to the delivery, sale or installation of any of your asbestos-containing products to or in buildings operated by the plaintiff School Districts.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome, and requests information that is not reasonably calculated to lead to discovery of admissible evidence. Locating, identifying, and producing such records, if any, would require an extensive manual review of thousands of documents.

20. For each document identified in the preceding interrogatory state:

- (a) the product(s) referred to in each document;
- (b) the location to which each product was delivered to or installed;
- (c) the date of each document and transaction referred to;
- (d) the identity of the person with knowledge regarding each transaction.

ANSWER: Not applicable.

21. Identify any and all documents, including but not limited to, invoices, computer printouts, bills of lading, freight bills, shipping orders, documents of transfer, sales records, receipts or reports which identify any school buildings of the plaintiff School Districts which contain asbestos-containing materials manufactured, compounded or sold by defendant.

ANSWER: Objection. This interrogatory is overly broad and unduly burdensome. Locating, identifying and producing such records if any exist would require an extensive manual review of thousands of documents.

22. Did the defendant ever employ an advertising agency in connection with its asbestos-containing construction products?

ANSWER: Objection. This interrogatory is not relevant to the subject matter of this case.

23. If the answer to the preceding interrogatory is in the affirmative, give the name and address of each such agency and

the dates for which each was employed by the defendant as well as identifying any written material relating to the advertising campaign designed by said agency with regard to this defendant's asbestos-containing construction products.

ANSWER: Not applicable.

24. Did the defendant at any time advertise, promote, or cause to be advertised or promoted its asbestos-containing construction projects?

ANSWER: Yes.

25. If the answer to the preceding interrogatory is in the affirmative, please state and describe in complete detail:

- (a) the various media and forms of communication through which said products were advertised, identifying specific magazines, newspapers, television programs, and other media on which such advertisings were carried;
- (b) the nature and content of text, copy, pictures, animations, films, tapes and other written or broadcast statements and documents relating to the said products;
- (c) the amount of money and other resources involved in such promotion or advertising;
- (d) the geographical areas in which such promotion or advertisings were placed;
- (e) the dates during which each piece of copy or advertising was run, printed, broadcast or distributed

ANSWER: Objection. This interrogatory is overly broad and unduly burdensome. Locating, identifying and producing such records if any exist would require an extensive manual review of thousands of documents.

26. Please state and describe in complete detail all representations made concerning the composition, strength, durability, operation, performance, uses, and other characteristics or your asbestos-containing construction products.

ANSWER: Objection. This interrogatory is overly broad and unduly burdensome. Locating, identifying and

producing such records if any exist would require an extensive manual review of thousands of documents.

27. Did the defendant advertise its asbestos-containing construction products directly to the general public or to its potential users?

ANSWER: Objection. This interrogatory is overly broad and unduly burdensome, and requests information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

28. If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) state the name, date and page number of all advertisements of the said products that appeared in national magazines;
- (b) state the date and program and name of each TV station operating in and around the State of Illinois that ran any advertisements for the said products and give a verbatim transcript of the firm content;
- (c) state the date, program and name of each network which aired an advertisement of the said products on nationwide television, and for each, given a verbatim transcript of the film content;
- (d) state the name, date and address of all radio stations which played advertisements of the said products in and around the State of Illinois and give a verbatim transcript of each such advertisement.

ANSWER: Not applicable.

29. Did the defendant advertise its asbestos-containing construction products to any professional or trade associations in the construction or building industry?

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and requests information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

30. If the answer to the preceding interrogatory is in the affirmative, give the name, date and page number of all advertisements of the said products that appeared in any and all trade magazines and list all brochures which the defendant mailed

out to such groups or associations or the members of such groups or associations concerning these said products.

ANSWER: Not applicable.

31. Identify all instructions, directions, technical bulletins, material data sheets, or other documents provided to distributors, contractors, supply houses, sales persons, or building owners pertaining to the application, maintenance, or repair of each asbestos construction product ever manufactured or distributed by you.

ANSWER: Various catalogs, pamphlets, sales literature containing patterns, colors, sizes, floor preparation, installation procedures, and maintenance methods.

32. Has the defendant or any of its representatives or agents inspected any of the subject school buildings in connection with the claims made in this action?

ANSWER: Yes.

33. If the answer to no. 32 is in the affirmative, state:

- (a) the name, present address and employment of each person who inspected any of the school buildings;
- (b) the date and location of each such inspection;
- (c) the purpose of each such inspection;
- (d) the identity of any documents, including but not limited to reports, memoranda, letters, drawings, or other correspondence prepared before, during or following such inspection;
- (e) whether any photographs were taken and if so the subject of each photograph, the date each photograph was taken and the identity of the photographer;
- (f) whether as a result of such inspections the defendant was able to identify the asbestos construction products in each of the school buildings, and if so, specify the means of identification, e.g., polarized light microscopy, what materials were identified, how they were identified and whether any of such products were manufactured or sold by the defendant and what identification was made.

ANSWER: (a) - (f) - Inspection notices were sent to plaintiff liaison counsel concerning those schools which were scheduled to be inspected.

34. State whether you have a record retention or destruction policy, plan or program. If so, describe each such plan in detail. If the plan is different for separate categories of records, describe the plan for each category. Include in the descriptions the following:

- (a) the identity of the custodian of the records;
- (b) the length of time for which records are retained;
- (c) the identity of the persons responsible for determining a policy or plan from 1930 to the present;
- (d) the manner in which records are retained, original documents, microfilm, microfiche, computer systems;
- (e) the identity of master lists and methods accession to retain records;
- (f) the identity of all places where your records are stored or retained;
- (g) the titles and names of the person responsible for the removal and destruction of any records from 1930 to the present;
- (h) identify any document destroyed by you that pertain to:
 - (i) asbestos in public buildings;
 - (ii) information responsive to interrogatory no. 13 above.

ANSWER: No.

35. Have you, your employees or your distributors at any time installed any asbestos or asbestos-containing products in any Illinois public school buildings?

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and calls for information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kentile does not install tile. It is unknown if our distributors installed asbestos-containing products in any Illinois public school building.

36. If the preceding is answered in the affirmative, state the following for each such installation:

- (a) the date(s) of installation;
- (b) the exact location of the installation, including the identity of the buildings and the location within the building of the installation;
- (c) the generic name and trade names of each such product installed;
- (d) the exact quantity and price of each such product installed;
- (e) whether the installation was done under any contract or subcontract with any general contractor or subcontractor;
- (f) the identity of all documents that evidence or relate to your responses to each subpart of this interrogatory.

ANSWER: Not applicable.

37. For the period 1930 to date and for each of the following subject areas, identify the employee of your company who is most knowledgeable concerning the following:

- (a) the sale of products for installation in the State of Illinois or the sales/distribution region which includes Illinois;
- (b) the product formulae or pattern books for your company's asbestos-containing products;
- (c) your company's document retention system.

ANSWER: (a) - (b) - Rocco Sergi
(c) - Linda Gawel

38. List every employee, former employee or consultant who has ever been deposed or who has testified with respect to asbestos-containing products which you manufactured or sold and, for each such deponent or witness, state the following:

- (a) the name of the case, the case number and the jurisdiction in which they were called to testify or give a deposition;

- (b) the identity of the witness or deponent;
- (c) the date(s) and place(s) of the deposition and/or witness appearance;
- (d) the identity of the court reporter who transcribed the deposition of trial testimony;
- (e) the custodian of the deposition or trial testimony;
- (f) a description of the subject matter about which the individual testified;
- (g) the dates of employment and job title of the individual deposed or called; and
- (h) the identity of the attorney who took the deposition or called the individual as a witness at trial.

ANSWER: Withdrawn by plaintiff's counsel.

39. Have you at any time since 1910, directly or indirectly, sold, delivered or supplied any asbestos-containing products to any of plaintiff School Districts?

ANSWER: Unknown, investigation continues.

40. Have you at any time since 1910, directly or indirectly, sold, delivered or supplied any asbestos-containing products to any distributor, dealer or other person for resale or delivery to any of the plaintiff School Districts?

ANSWER: Unknown, investigation continues.

41. Have you at any time since 1910, directly or indirectly, sold, delivered or supplied any asbestos products for use in any public school building in the plaintiff School Districts?

ANSWER: Unknown, investigation continues.

42. If any of interrogatories 38, 39 or 40 is answered in the affirmative, state for each sale, delivery, or supply:

- (a) the date, invoice number and purchase order of each sale or delivery;
- (b) generic, brand and trade name of each asbestos product;

- (c) chemical and mineralogical composition of the asbestos product including the asbestos content by weight and percentage;
- (d) the quantity and price of each sale or delivery;
- (e) the department and officer or employee at the school district who placed and accepted the offer;
- (f) the department and officer or employee at your company who accepted, packaged and shipped the order;
- (g) identify all documents relating to your answer to this interrogatory;

ANSWER: Not applicable.

43. With regard to each order, sale, delivery or supply identified in Answer 41, state whether you provided to the plaintiff School District with respect to the products any:

- (a) specifications or technical material;
- (b) advertising or promotional material;
- (c) instructions concerning the proper use of the material;
- (d) warnings regarding the products you sold and/or delivered;
- (e) warranties;

If any of the above subparagraphs are answered in the affirmative, identify each such document.

ANSWER: Not applicable.

44. Which of your employees were responsible for the sale and/or marketing of your asbestos-containing products from 1930 through 1975 to schools, cities or public buildings in or for Illinois and for such person state his job, whether now an employee and his last known address.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome, calls for information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

45. State separately for each year from 1930 to 1975:

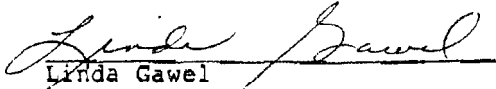
- (a) your total sales from the sale of asbestos-containing products;
- (b) your total sales of asbestos-containing products in the State of Illinois.

ANSWER: This information is presently unavailable.

46. State separately for each year from 1930 to 1975, the dollar value of your sales (i) in the State of Illinois for the following types of asbestos-containing products:

- (i) acoustical ceilings;
- (ii) acoustical walls;
- (iii) molded pipe covering;
- (iv) insulation block;
- (v) insulating and finishing cements;
- (vi) cloth;
- (vii) felt;
- (viii) tape and thread;
- (ix) gaskets;
- (x) asbestos curtains;
- (xi) board or millboard;
- (xii) boiler and breech materials;
- (xiii) spray insulation;
- (xiv) fireproofing;
- (xv) vinyl asbestos tile (VAT)

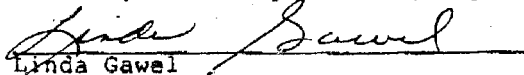
ANSWER: (i) - (xiv) - Not applicable.
(xv) - this information is not available.


Linda Gawel

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

VERIFICATION BY CERTIFICATION

Under penalties of perjury as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing Answers to Interrogatories are true and correct upon information and belief and that the Answers have been assembled by authorized employees and counsel for Kentile Floors, Inc. and that certain Answers are not within the personal knowledge of the person signing below.


Linda Gawel

Susan Gunty
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Atty. I.D. No. 27901