

NO. 00-06-09976CV

KNOX EUGENE MANFORD, et al.	]	IN THE DISTRICT COURT
Plaintiffs	]	
vs.	]	BROOKS COUNTY, TEXAS
GAF CORPORATION, et al.	]	
Defendants.	]	

AFFIDAVIT OF J. ROBERT LEIGHTY

STATE OF OHIO

SS

COUNTY OF SHELBY

Now comes J. Robert Leighty, being first duly cautioned and sworn, deposes and says that he is Chief Executive Officer of Thermoseal Inc. (hereinafter "Thermoseal") and that he has personal knowledge of all of the facts stated in this Affidavit and that they are true as he verily believes.

1. He is Chief Executive Officer of Thermoseal Inc. and is thoroughly knowledgeable as to all products manufactured, marketed, and/or sold by Thermoseal Inc. He is further personally knowledgeable as to the period of time during which Thermoseal Inc. has manufactured and/or sold any products of any description.

2. That Thermoseal was incorporated in the State of Ohio on March 2, 1994 and that it was not in existence in any way prior to that date and did not manufacture or sell any products of any description prior to March 2, 1994. See Exhibit A being Certificate of Incorporation of the State of Ohio signed by Bob Taft, Secretary of State and incorporated herein by reference.

3. That he has caused the records of Thermoseal to be thoroughly researched to determine what sales had been made to UTEX by Thermoseal and the exact identity of the products sold by Thermoseal to UTEX. A copy of all sales documents evidencing every sale from Thermoseal to UTEX at any time since its incorporation in 1994 to the date of this Affidavit are attached hereto as Exhibit B and incorporated herein by reference.

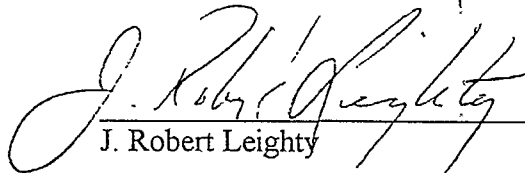
4. The documents relating to contacts, correspondence and sales to UTEX Industries Inc. show that certain sales were made to UTEX by Thermoseal first commencing on or about February 27, 1995 and ending with the last such sale on or about November 8, 2000.

5. The only sales made by Thermoseal to UTEX at any time as evidenced by Exhibit B, were for materials C-4409, C-4430, C-6400, C-4408, C-4500, C-4381 and C-4381. None of these materials contained any asbestos or asbestos products of any description.

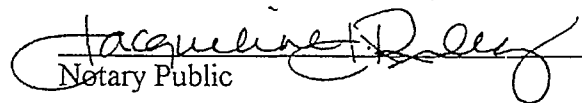
6. Since its incorporation in 1994, Thermoseal has never manufactured, sold, marketed or advertised for sale any products which contain any asbestos.

7. Thermoseal has never, at any time, sold any products to UTEX, or any other entity of any description, containing any asbestos.

FURTHER AFFIANT SAYETH NAUGHT.


J. Robert Leighty

Sworn to before me and subscribed in my presence by the said J. Robert Leighty, this
21st day of December, 2001.


Notary Public

JACQUELINE J RILEY
Notary Public, State of Ohio
My Commission Expires Sept. 10, 2004

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The State of Ohio

Bob Taft

Secretary of State

865583

Certificate

is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous Filings; that said records show the filing and recording of: ARF MIS

of:

THERMOSEAL INC.

United States of America
State of Ohio
Office of the Secretary of State

Recorded on Roll 9454 at Frame 0965 of
the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 2ND day of MARCH

A.D. 19 94



Bob Taft
Bob Taft
Secretary of State

EXHIBIT

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