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

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NICOLINA SIRECI, as Executrix of the
Estate of JOSEPH E. SIRECI, Deceased,

Plaintiff,

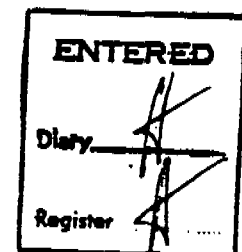
-against-

Index No: 13411/83

CHEMCO, INC., ROMAN HASS, INC.,
MONSANTO, INC., UNION CARBIDE, INC.,
and AMERICAN CYANAMID INC.,
AMERICAN CYANAMID and MONSANTO, INC.,

Defendants.

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Pursuant to Section 3130 and Rule 3134 of the Civil Practice Law and Rules, defendant UNION CARBIDE CORPORATION sued herein as UNION CARBIDE, INC., is hereby required within fifteen (15) days after service hereof to answer separately and fully in writing, under oath, each of the following interrogatories.

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DEFINITIONS

Set out below are definitions of words used herein. These definitions are hereby incorporated into each and every Interrogatory herein.

1. When used, the terms "UNION CARBIDE CORPORATION" and "CARBIDE" "you", "your", and "yours" are intended to and shall embrace and include, in addition to UNION CARBIDE, INC., all past and present agents, representatives, servants, informants, investigators, employees and attorneys (including all entities, and, without limiting the generality of the foregoing, including natural persons, joint owners, associations, companies, partnerships, joint ventures, corporations, trusts and estates) who are now in possession of or may have obtained information or provided information to or for or on behalf of UNION CARBIDE CORPORATION.

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2. The words "writing" and "writings" as used herein, refer to and include the original, copies of and drafts of (regardless of the origin and whether or not including additional writing thereof or attached thereto) correspondence, contracts, agreements, telegrams or other telegraphic messages, memoranda, press releases, work sheets, proposals, inter- and intra-company communications, inter- and intra-office communications, business records, recommendations, notes, notices, instructions, bulletins, booklets, circulars, minutes, newspapers, periodicals, reports, documents, tapes, and all other materials within or upon which is any writing, representation or utterance, whether by hand, photograph, typewriter, printing press, tape, record, or any other mechanical or electronic system or reproduction including computer tapes, discs, print-outs and programs.

3. The words "person" and "persons" mean all entities, and, without limiting the generality of the foregoing, includes natural persons, joint owners, associations, companies, partnerships, joint ventures, corporation, trusts and estates.

4. The terms "identity" or "identification" when used in reference to a "person" mean to state"

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- (a) The full name and present address.
- (b) Present or last known position and business affiliation and business address of such "person" or "persons";
- (c) If a natural person, his present or last known job title, and his present address and his present or last known position and business affiliation and the address of his employer.

5. "Identify" or "identification" when used in reference to a "writing" means:

- (a) To describe the "writing" by date, subject matter, and "persons" that wrote, signed, initialled, dictated or otherwise participated in the creation of same;
- (b) To give the addressee or addressees (if any);
- (c) To give the full name and present address and present or last known position and business affiliation and business address of each "person" or "persons" who has possession, custody or control of said "writing(s)".
If any such "writing" was, but is no longer,

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in your possession, custody or control, or in existence, state the date and manner of its disposition.

INSTRUCTIONS: MODE AND DETAIL OF ANSWERS

In answering each Interrogatory:

1. Identify each document and each oral communication which forms the basis, in whole or in part, for the answer given or which corroborates the answer given or the substance of which is given, stating separately each item required by Definition 4 or 5 above and annexing true copies of each document. The unexplained failure to annex a true copy of such document constitutes a representation that such document does not exist.
2. If a document which corroborates an answer given or the substance of which is given is not in the possession of, or available to the affiant, supply a copy thereof within ten (10) days after such document comes into the possession of, or becomes available to the affiant.
3. State whether the information furnished is within the personal knowledge of the affiant and, if not, identify each "person" to whom the information is a matter of personal knowledge, if known.

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4. If the answer to an interrogatory is not presently known to the affiant, so state and, in addition, respond to the interrogatory within ten (10) days after the date on which such answer becomes known to the affiant.

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INTERROGATORIES

1. Do "you" agree to supplement "your" answers upon discovery of new or different or additional or supplementary information as specified in the Instructions, above?
2. "Identify" each "person" answering these Interrogatories on behalf of UNION CARBIDE, INC.,
3. "Identify" the "persons" assisting in the answering of these Interrogatories and indicate each separate Interrogatory on which each such "person" assisted.
4. "Identify" "writings" utilized by or used by or referred to or in anyway consulted by "persons" to answer or to assist in answering or to provide information for answering these Interrogatories.
5. Is the correct name of the manufacturer of Poly Vinyl Chloride (Resins) UNION CARBIDE CORPORATION. If not, please "identify" the "person" who manufactures Poly Vinyl Chloride (Resins).

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6. Did "you" manufacture Poly Vinyl Chloride (Resins)?
7. Did "you" sell or distribute Poly Vinyl Chloride (Resins) to Elm Coated Fabrics, A Division of W.R. Grace & Co., Inc.; Emanuel Mittman; Hatco, Kalex Chemical Products, Inc.; W.R. Grace & Co., Inc.; or any of their subsidiaries or divisions? If you sold or distributed such Poly Vinyl Chloride (Resins) to a subsidiary or division, "identify" such "person".
8. "Identify" all "writings" which show the name of said Poly Vinyl Chloride (Resins) to those designated in paragraph "7" above.
9. State:
- (a) The date said Poly Vinyl Chloride (Resins) began being manufactured;
 - (b) The location of the plant or plants in which said Poly Vinyl Chloride (Resins) was manufactured;

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- (c) The dates said Poly Vinyl Chloride (Resins) were sold to those enumerated in paragraph "7";
 - (d) The manner in which said Poly Vinyl Chloride (Resins) was delivered;
 - (e) The dates of delivery;
10. Did "CARBIDE" design the Poly Vinyl Chloride (Resins)?
 11. Was the above mentioned Poly Vinyl Chloride (Resins) designed solely by "CARBIDE"?
 12. "Identify" "persons" who participated in the design and discovery of said Poly Vinyl Chloride (Resins).
 13. "Identify" "persons" having custody of all "writings" regarding the design and manufacture of said Poly Vinyl Chloride (Resins).
 14. Was said Poly Vinyl Chloride(Resins) designed or manufactured by "CARBIDE" to meet specifications set by Elm Coated Fabrics, A Division of W.R. Grace & Co., Inc.; Emanuel Mittman; Hatco, Kalex Chemical Products, Inc.; W.R. Grace & Co., Inc.?

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15. Describe in full detail all such specifications and "identify" any "writings" relating to such specifications.
16. Was the Poly Vinyl Chloride (Resins) in question designed and developed jointly by "CARBIDE" and CHEMCO, INC., ROHM AND HASS CO., MONSANTO, INC., AMERICAN CYNAMID INC., and AMERICAN CYNAMID, MONSANTO, INC. (or any of their divisions or "persons" retained by them in the design and development of said Poly Vinyl Chloride (Resins)?
17. "Identify" the "person" who specified the Poly Vinyl Chloride (Resins) to be used by Elm Coated Fabrics, A Division of W.R. Grace & Co., Inc.; Emanuel Mittman; Hatco, Kalex Chemical Products, Inc.; W. R. Grace & Co., Inc.
18. In the course of specification of the Poly Vinyl Chloride (Resins) for industry use, what tests were run?

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19. In the course of specification of the Poly Vinyl Chloride (Resins) what problems were noted?
 20. Did "CARBIDE" have any restriction against using Poly Vinyl Chloride (Resins)?
 21. "Identify" "writings", "warnings", "instructions" or directions by "CARBIDE" or any division of "CARBIDE" regarding the use of Poly Vinyl Chloride (Resins)?
 22. "Identify" "persons" who have done scientific studies on the ability of Poly Vinyl Chloride (Resins) to being used without deliterious or harmful effects on users thereof.
 23. "Identify" "writings" regarding the various quality control checks on the Poly Vinyl Chloride (Resins).
 24. "Identify" "writings" regarding complaints on Poly Vinyl Chloride (Resins) and also describe and identify each such complaint made.

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25. State verbatim each and every warranty which was given to any purchaser of the Poly Vinyl Chloride (Resins) and attach copies hereto.
 26. "Identify" "writings" and instructions by "CARBIDE" regarding use of Poly Vinyl Chloride (Resins).
 27. "Identify" "writings" and instructions by "CARBIDE" regarding any safeguards in the use of Poly Vinyl Chloride (Resins).
 28. Has Poly Vinyl Chloride (Resins) been examined, tested, inspected or analyzed by "CARBIDE" in-house experts?
 29. If the anser to Interrogatory 28 is affirmative, then "identify" such in-house expert or experts.
 30. If the answer to Interrogatory 28 is affirmative, then for each examination, test, inspection r analysis, state:

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- (a) Its nature, or the method used to make it;
 - (b) The name, address, telephone number, qualifications and capacity of each "person" who made it;
 - (c) Its subject matter;
 - (d) The date and time it was begun and completed and the number of working hours spent in making it;
 - (e) The place it was made;
 - (f) The name, address and telephone number of each "person" for whom it was made or to whom it was directed and;
 - (g) Whether, in making it, any "person" was interviewed or examined, and, if so, the name, address, and job title of each "person".

31. "Identify" "writings" compiled or prepared as a result of the examinations, tests, analyses or inspections by said in-house expert(s).

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32. What information developed by any investigation, inspection, tests, analysis, and examination inquired about in these Interrogatories do "you" believe support the denial that the Poly Vinyl Chloride (Resins) in question was deliterious to the health of users of Poly Vinyl Chloride (Resins).
33. "Identify" "persons" who developed or have such information requested in Interrogatory No. 32.
34. "Identify" "writings" regarding the information requested in Interrogatory No. 32.
35. Has "CARBIDE" received notice of or information about claims or allegation by "persons" other than Plaintiff regarding Poly Vinyl Chloride (Resins)?
36. If the answer to Interrogatory No. 35 is affirmative, then state:
- (a) Name and address of the "person" making such claim or allegation;
 - (b) The date of receipt of notice or information by "CARBIDE".
 - (c) A description f injuries sustained. if any;

- (d) The name and address of the injured party;
- (e) In regard to each claim, whether or not legal action was instituted on behalf of the claimant and where such action was instituted. If legal action was instituted, who were the parties' attorneys?

37. Has "CARBIDE" received notice of or information about claims or allegations by "persons" other than Plaintiff regarding a problem with Poly Vinyl Chloride (Resins)?

38. If the answer to Interrogatory No. 37 is affirmative, then state:

- (a) Name and address of the party making such claim or allegation;
- (b) The date of the notice received by "CARBIDE"
- (c) A description of injuries sustained, if any;
- (d) The name and address of the injured party;
- (e) In regard to each claim whether or not legal action was instituted on behalf of the claimant and where such action was instituted. If so, who were the parties' attorneys?

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39. "Identify" "writings" regarding the information requested in Interrogatories Nos. 35, 36, 37 and 38.
40. Did "CARBIDE" ever advertise Poly Vinyl Chloride (Resins) in newspapers, periodicals, magazines or mass communication media such as radio or television?
41. If so, with reference to each and every advertisement in New York of Poly Vinyl Chloride (Resins) for production years, supply the following information:
- (a) The media used in disseminating the advertisements to the general public;
 - (b) The name and principal place of business of the newspaper, magazine, radio or television media used for such advertisements;
 - (c) The dates of publication or dissemination of such advertisements through the media mentioned in (b) above;
 - (d) The contents of all such representative advertisements mentioned in (c) above;
 - (e) The trade name under which advertised.

42. "Identify" all "writings" regarding any policies of insurance that will or may cover, or are designed to cover, any potential recovery by Plaintiff herein. Attach a copy of said policy or policies hereto.
43. "Identify" "persons" not heretofore identified in these Interrogatories having knowledge of any discoverable matter.
44. State when "CARBIDE" has been engaged from time to time in the manufacture and distribution of Poly Vinyl Chloride (Resins) as set forth in paragraph enumerated No. 14 in its answer to Plaintiff's complaint.
45. Set forth copies of all product literature published by "CARBIDE" by way of literature or otherwise as to the representations for the product made, manufactured, sold or distributed by "CARBIDE" as set forth in paragraph enumerated No. 34 in its answer to Plaintiff's complaint.
46. Did "CARBIDE" pool information concerning Poly Vinyl Chloride (Resins) with any other manufacturer, formulator, developer, packager or distributor.

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47. "Identify" the "person" who participated in the pooling of said information.
48. "Identify" "persons" having custody of all writings regarding the pooling of information.
49. Did "CARBIDE" enter into any agreements whether orally or in "writing" with any other manufacturer, formulator, developer, packager or distributor of Poly Vinyl Chloride (Resins) as to its basic chemical formula.
50. "Identify" "persons" who participated in any such agreement.
51. "Identify" "persons" having custody of all "writings" respecting such agreements.
52. Did "CARBIDE" adopt or cause to be adopted by other manufacturers, formulators, developers, packagers or distributors any literature, brochure, advertisement, packaging inserts, criteria, information for submission and use by and to any user of Poly Vinyl Chloride (Resins) or to any governmental agency.

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53. "Identify" "persons" who participated in any such adoption or cause to be adopted.
54. "Identify" "persons" having custody of all "writings" of such adoption or cause to be adopted.
55. Did "CARBIDE" participate in the distribution, marketing and sale of Poly Vinyl Chloride (Resins).
56. Set forth in detail the percentage of the marketing and sale of Poly Vinyl Chloride (Resins) by "CARBIDE" in the state of New York and any other statistics or records indicating the distribution, marketing and sale by any other distributor, marketer or seller of Poly Vinyl Chloride (Resins).
57. Did "CARBIDE" purchase ingredients from a third party in the manufacture of Poly Vinyl Chloride (Resins), if so, "Identify":
- (a) generic and trade name;
 - (b) from whom purchased or procured;
 - (c) purity tests performed pre-purchases or procurement;
 - (d) custodian of records relating to
- (b) and (c) above .

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58. "Identify" the characteristics of Poly Vinyl Chloride (Resins):

- (a) Its qualitative and quantitative formula;
- (b) The intended purpose of each active ingredient;
- (c) any alterations or changes made in the original formulation;

59. Describe "CARBIDE'S" role vis-a-vis the Poly Vinyl Chloride (Resins):

- (a) formulation, design, development
- (b) manufacture
- (c) testing
- (d) packaging
- (e) advertising
- (f) selling
- (g) distributing
- (h) warehousing
- (i) demonstrating

60. If "CARBIDE" formulated, designed or developed the Poly Vinyl Chloride (Resins) similar products, state:

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- (a) when Poly Vinyl Chloride (Resins) or similar product was first marketed by "CARBIDE";
 - (b) identities of those in "CARBIDE'S" employ who designed, formulated or developed such products
 - (c) identities of any consultants used

61. If "CARBIDE" did not design, formulate or develop the Poly Vinyl Chloride (Resins) or similar products, state:

- (a) who did
- (b) relationship between "CARBIDE" and such person
- (c) how "CARBIDE" acquired rights to such product

62. Describe all writings relating to design, formulation and development of the Poly Vinyl Chloride (Resins) and similar products, stating:

- (a) identity of author of writing
 - (1) name
 - (2) address
 - (3) relation to "CARBIDE"
- (b) date of writing
- (c) substance of writing
- (d) purpose of writing
- (e) who now has writing
- (f) how writing can be examined by Plaintiff's intestate

63. Chemical composition of Poly Vinyl Chloride
(Resins)

- (a) trade name of each ingredient
- (b) generic name of each ingredient
- (c) percentage by weight of each ingredient
- (d) purpose of each active ingredient

64. Changes in formula of Poly Vinyl Chloride
(Resins) or similar products since first
developed

- (a) date of change
- (b) reasons for change
- (c) ingredients eliminated
 - (1) trade name
 - (2) generic name
 - (3) weight
- (d) ingredients added
 - (1) trade name
 - (2) generic name
 - (3) weight
- (e) who authorized change
- (f) who has custody of records regarding
change

65. List standards pertaining to pre-marketing
testing and safety of Poly Vinyl Chloride
(Resins) and similar products, including

- (a) governmentally promulgated standards
- (b) standards by private groups

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66. For each standard in paragraph No. 65 from which "CARBIDE" deviated at all, state
- (a) full text of standard
 - (b) how "CARBIDE" deviated
 - (c) why "CARBIDE" deviated
67. If any ingredient of Poly Vinyl Chloride (Resins) or similar products known or potential poisons if ingested or if concentrated fumes breathed, state
- (a) generic name of ingredient
 - (b) brand name of ingredient
 - (c) why such ingredient necessary
 - (d) all steps taken by "CARBIDE" to reduce risk of cancer
 - (e) amounts of Poly Vinyl Chloride (Resins) and similar products that must be ingested by adults to cause harm
 - (f) amounts and concentrations of fumes from such Poly Vinyl Chloride (Resins) that must be inhaled by adults to cause harm
68. Does "CARBIDE" consider Poly Vinyl Chloride (Resins) to be inherently dangerous.
69. Regarding any label or tag on container of Poly Vinyl Chloride (Resins) or similar products state

- (a) purpose
- (b) content
- (c) who has custody of records regarding the content
- (d) how can Plaintiff examine records

70. Warranty

- (a) substance
- (b) manner communicated
- (c) if "CARBIDE" claims no or limited warranty, state
 - (1) in what manner not warranted
 - (2) why such warranty disclaimed
 - (3) how disclaimer made
 - (4) how Plaintiff's intestate made aware of disclaimer

71. If "CARBIDE" contends Plaintiff's intestate was contributorily negligent, give basis.

72. If "CARBIDE" contends Plaintiff's intestate assumed risk of injury resulting from use of product, state

- (a) basis for contention
- (b) what risks assumed

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Dated: New York, New York
July 20, 1984

Yours, etc.

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