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RE: **RESPONSE OF DEFENDANT KENTILE FLOORS, INC.**

Number of pages (including this page): 46

KENTILE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DOROTHY ST. JACQUE, etc., et. al., Plaintiffs, vs. JOHNS-MANVILLE, etc., et al., Defendants.	Case No. C137465
HERMAN KORT, Plaintiff, vs. JOHNS-MANVILLE, etc., et al., Defendants.	Case No. C470152 RESPONSES OF DEFENDANT KENTILE FLOORS, INC. TO INTERROGATORIES PROPOUNDED BY PLAINTIFF HERMAN KORT

Pursuant to the Court's General Order Approving Supplemental Standard Pre-Trial Documents dated August 13, 1987, Defendant Kentile Floors, Inc. ("Kentile") responds to Plaintiff Herman Kort's ("Plaintiff") First Set of Interrogatories as follows:

INTERROGATORY NO. 1

Please state the full name, present business address present residence, and capacity or title of the individual answering and signing these interrogatories on your behalf.

RESPONSE TO INTERROGATORY NO. 1

Rocco Sergi, Research Manager for Kentile, will respond to these interrogatories on Kentile's behalf. Mr. Sergi's business address is 58 Second Avenue, Brooklyn, New York 11215.

INTERROGATORY NO. 2

Have you ever, at any time, engaged in the manufacture of floor-covering?

RESPONSE TO INTERROGATORY NO. 2

Assuming that the term "floor-covering" includes floor tiles and vinyl sheeting, Kentile responds that it has manufactured floor tiles and vinyl sheeting.

INTERROGATORY NO. 3

If your response to interrogatory #2 is yes, then state:

a. The trade name of such floor covering;

b. The name, address and telephone number of the floor-covering manufacturer, supplier, dealer or other entity to which such products were sold.

RESPONSE TO INTERROGATORY NO. 3

a. Reinforced vinyl tile, vinyl composition tile, vinyl asbestos tile, asphalt tile and vinyl sheet flooring.

b. Valley Floor Covering Distributors
9666 East Telstar Avenue
El Monte, California

Western Wholesale
401 South J Street
San Bernardino, California

Butler-Johnson Corporation
1480 Nocora Avenue
San Jose, California 95133

Tri-County Wholesale Supply Company
2690 Sherwin Avenue
Montalvo, California 93020

R. N. Holmer Company
840 W. 19th Street
National City, California 92050

INTERROGATORY NO. 4

In the manufacture of such floor-covering products, did you use asbestos in any of its forms or other trade names to complete said manufacture?

RESPONSE TO INTERROGATORY NO. 4

Assuming the phrase "such floor-covering products" refers to floor-covering products manufactured by Kentile, Kentile responds that it has used asbestos in the manufacture of some of its floor-covering products.

INTERROGATORY NO. 5

If your response to interrogatory #4 is yes, then state:

a. trade name of the asbestos product used;

b. The name and address of the manufacturer or supplier of said asbestos products.

RESPONSE TO INTERROGATORY NO. 5

a. Chrysotile asbestos and chrysotile asbestos backing for vinyl sheet flooring.

b. Johns-Manville Corp.
Asbestos, Quebec, Canada

Union Carbide
Niagara Falls, New York

Carey Canada
East Broughton Station, Canada

Atlas Asbesto Co.
c/o Huxley Development
New York, N.Y.

INTERROGATORY NO. 6

Have you ever, at any time, supplied or distributed asbestos or asbestos-containing products to any company or manufacturer of floor-covering or any other component relative to floor-covering?

RESPONSE TO INTERROGATORY NO. 6

Yes.

INTERROGATORY NO. 7

If your response to interrogatory #6 is yes, then state:

a. trade name of the asbestos product which was supplied or distributed;

b. The name and address of each company or manufacturer to which asbestos or asbestos-containing products were supplied or delivered.

RESPONSE TO INTERROGATORY NO. 7

a. Reinforced vinyl tile, vinyl composition tile, vinyl asbestos tile, asphalt tile and vinyl sheet flooring.

b. Valley Floor Covering Distributors
9666 East Telstar Avenue
El Monte, California

Western Wholesale
401 South J Street
San Bernardino, California

Butler-Johnson Corporation
1480 Nocora Avenue
San Jose, California 95133

Tri-County Wholesale Supply Company
2690 Sherwin Avenue
Montalvo, California 93020

R. N. Holmer Company
840 W. 19th Street
National City, California 92050

INTERROGATORY NO. 8

Have you ever purchased asbestos or asbestos-containing products from any company, distributor, manufacturer or mining concern for the purpose of using it in the manufacture of floor-covering?

RESPONSE TO INTERROGATORY NO. 8

Yes.

INTERROGATORY NO. 9

If your answer to interrogatory #8 is yes, then state:

a. purpose for which such asbestos or asbestos-containing product was purchased;

b. The name and address of the company or manufacturer from which such asbestos or asbestos-containing products were purchased.

RESPONSE TO INTERROGATORY NO. 9

a. Product reinforcement, durability and dimensional stability.

b. Johns-Manville Corp.
Asbestos, Quebec, Canada

Union Carbide
Niagara Falls, New York

Carey Canada
East Broughton Station, Canada

Atlas Asbesto Co.
c/o Huxley Development
New York, N.Y.

INTERROGATORY NO. 10

Have you ever engaged in the use, design, manufacture formulation, fabrication, sale, or distribution of any asbestos or asbestos-bearing product in the course of designing, manufacturing, distributing, or selling floor-covering and/or any components or parts thereof?

RESPONSE TO INTERROGATORY NO. 10

Kentile has never engaged in the use, design, manufacture, formulation, fabrication, sale, or distribution of asbestos per se. Kentile, however, does not understand the meaning of the term "asbestos-bearing product" so Kentile can neither affirm nor deny with respect to that term.

INTERROGATORY NO. 11

If your response to interrogatory #10 is yes, then state:

a. trade names of any asbestos products which were used, designed, manufactured, formulated, fabricated, sold or distributed by you;

b. The trade names of any floor-covering or any component/part thereof which you designed, manufactured, distributed or sold, and in which you used any asbestos or asbestos-bearing product.

RESPONSE TO INTERROGATORY NO. 11

Not applicable.

INTERROGATORY NO. 12

Have you ever engaged in the supply, design, manufacture, formulation, fabrication, sale, or distribution of any asbestos or asbestos-bearing product for use in the design, manufacture, distribution, or sale of floor-covering and/or any components or parts thereof?

RESPONSE TO INTERROGATORY NO. 12

Kentile has never engaged in the supply, design, manufacture, formulation, fabrication, sale, or distribution of asbestos per se. Kentile, however, does not understand the meaning of the term "asbestos-bearing product" so Kentile can neither affirm nor deny with respect to that term.

INTERROGATORY NO. 13

If your response to interrogatory #12 is yes, then state:

a. trade names of any asbestos products which were used, designed, manufactured, formulated, fabricated, sold or distributed by you;

b. The trade names of any floor-covering or any component/part thereof which you designed, manufactured, distributed or sold, and in which you used any asbestos or asbestos-bearing product.

RESPONSE TO INTERROGATORY NO. 13

Not applicable.

INTERROGATORY NO. 14

Have you, at any time, engaged in the processing, marketing and sale of products containing asbestos fibers?

RESPONSE TO INTERROGATORY NO. 14

Yes.

INTERROGATORY NO. 15

If your response to interrogatory #14 is yes, then state:

a. trade or brand name of each such product mined, manufactured, and/or marketed.

b. The dates each of such products were placed on the market.

c. The date each of such products were withdrawn from the market.

d. A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product (i.e., amosite, shrysotile or crocidolite) and the quantitative percentage of asbestos in each product.

e. A description of the physical appearance of each such product.

f. A detailed description of the intended use of each such product.

g. The name of the manufacturer of each such product.

h. The mining or milling concern from which the raw asbestos fiber was obtained.

RESPONSE TO INTERROGATORY NO. 15

a. Reinforced vinyl tile, vinyl composition tile, vinyl asbestos tile, asphalt tile and vinyl sheet flooring.

b. Tile - 1906

Vinyl sheet flooring - 1966

c. Tile - 1986

Vinyl sheet flooring - 1969

d. Product is composed of 75% filler and 25% binder. Chrysotile asbestos is 10-15% of total product.

e. 9x9 or 12x12 solid squares in various colors.

f. Floor covering.

g. Kentile Floors, Inc.

h. Johns-Manville Corp.
Asbestos, Quebec, Canada

Union Carbide
Niagara Falls, New York

Carey Canada
East Broughton Station, Canada

Atlas Asbesto Company
c/o Huxley Development
New York, N.Y.

INTERROGATORY NO. 16

Have any of the products listed in interrogatory #15 above been altered in chemical composition or asbestos type or content since first being marketed?

RESPONSE TO INTERROGATORY NO. 16

Yes.

INTERROGATORY NO. 17

If so, please state:

a. trade name of each such product.

b. The date each such product was altered.

c. The nature of the alteration.

d. The reason for the alteration.

RESPONSE TO INTERROGATORY NO. 17

a. Resilient floor tile.

b. July 1986.

c. Product no longer contains asbestos.

d. Anticipated revisions to OSHA regulations regarding asbestos in the work place.

INTERROGATORY NO. 18

For each of the products identified in interrogatory #16 above, please state the gross income realized by your company as a result of all sales within the United States, for each year the product was sold.

RESPONSE TO INTERROGATORY NO. 18

Not applicable.

INTERROGATORY NO. 19

For each of the products identified in interrogatory #15 above, please state the gross income realized by your company per year, for all sales to the United States government, and please further state:

a. gross income realized by your company, per year, for sales to the Naval supply system of the United States government.

RESPONSE TO INTERROGATORY NO. 19

Kentile does not maintain records which enable it to respond to this interrogatory at present. In order for Kentile to respond to this interrogatory, Kentile must manually search through its sales records from 1978 to the present. Kentile has no sales records for sales prior to 1978. Kentile, however, has begun a review of its records and will supplement its response to this interrogatory when it has completed its review.

INTERROGATORY NO. 20

For each of the products identified in interrogatory #15 above, please state the gross income realized by your company, per year, for sales to all contractors with whom you did, or have done business.

RESPONSE TO INTERROGATORY NO. 20

On information and belief, Kentile denies making any direct sales to contractors. See Response to Interrogatory No. 19.

INTERROGATORY NO. 21

For each of the products identified in interrogatory #15 above, please state the gross income realized by your company, per year, for sales of the products to entities not identified in previous interrogatories, and identify each such entity.

RESPONSE TO INTERROGATORY NO. 21

See Response to Interrogatory No. 19.

INTERROGATORY NO. 22

Do you have any records which reflect sales of each of the products identified by you in interrogatory #15 above for each year said products were sold?

RESPONSE TO INTERROGATORY NO. 22

Yes.

INTERROGATORY NO. 23

If your answer to the preceding interrogatory is yes, please state:

a. A description of said records or documents sufficient to permit plaintiff to describe such documents for purposes of a notice to produce or a motion for production of documents;

b. The name, business address and telephone number, employer, and job title of the person or persons having present custody of or control over the original of said documents.

RESPONSE TO INTERROGATORY NO. 23

a. Distributor invoices.

b. Linda Gawel, Insurance Manager, Kentile Floors Inc., 58 Second Avenue, Brooklyn, New York 11215, (718) 768-9500.

INTERROGATORY NO. 24

For the period 1930 to January 1, 1978, do you have any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the testing of the health effects of products identified in interrogatory #15 above? If so, please describe with sufficient

particularity to satisfy the requirements of a subpena duces tecum.

RESPONSE TO INTERROGATORY NO. 24

No.

INTERROGATORY NO. 25

Did you make any design changes as a result of such tests?

RESPONSE TO INTERROGATORY NO. 25

Not applicable.

INTERROGATORY NO. 26

If so, please state:

a. nature of the change made, the name, address and job classification of each person in charge of making a change.

RESPONSE TO INTERROGATORY NO. 26

Not applicable.

INTERROGATORY NO. 27

Have you, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials (aside from any caution labels on containers) of any kind or character that contain any warnings, cautions, caveat, or directions concerning the possibility of injury resulting from the use of the products listed in your response to interrogatory #15?

RESPONSE TO INTERROGATORY NO. 27

Yes.

INTERROGATORY NO. 28

From 1930 until the present, did the asbestos products manufactured or distributed by you, contain any warnings, cautions, caveat or other statement on the product or its packaging?

RESPONSE TO INTERROGATORY NO. 28

Assuming the term "asbestos products" includes floor tiles and vinyl sheeting containing asbestos, Kentile's response is "yes."

INTERROGATORY NO. 29

If so, please state:

a. When did the warning first appear?

b. What was the precise wording of the warning, when it first appeared?

c. Was the warning altered, amended or changed in any manner? If so, how and when?

d. Where was the warning located on the product or packaging?

e. When did you become aware of warnings placed on products distributed by other manufacturers or suppliers of asbestos or asbestos containing products?

f. State the manner in which your product is shipped and the type of container it is shipped in to retailers.

g. State whether any industrial psychologists or human factor engineer were consulted prior to utilizing such warnings, cautions, etc.

RESPONSE TO INTERROGATORY NO. 29

a. 1978 - approximately.

b. "Warning. Existing resilient flooring may contain asbestos fibers. These fibers are locked into place. However, sanding resilient flooring, backing or lining felt can release asbestos fibers into the air. Inhalation of asbestos dust may be injurious to your health. Therefore, do not sand resilient flooring, backing, or lining felt."

c. No.

d. Insert in packages.

e. 1968.

f. Truck.

g. No.

INTERROGATORY NO. 30

When did you first receive notice that any person claimed injury as a result of exposure to asbestos or asbestos containing products manufactured and/or sold by you?

RESPONSE TO INTERROGATORY NO. 30

Upon information and belief, 1977.

INTERROGATORY NO. 31

With respect to the claim described in interrogatory #30, please state:

a. name and address of the claimant.

b. The date of notice of the claim.

c. A description of the claim, i.e., worker's compensation, products liability, etc.

d. The type of injuries allegedly sustained.

e. The name and address of each attorney who represented the individual making such claim.

f. The style and court number of each claim currently pending.

g. The resolution of the claim.

RESPONSE TO INTERROGATORY NO. 31

a. George Brandy
4459 South Indiana Avenue
Chicago, Illinois.

b. October 21, 1977.

c. Workers' Compensation.

d. Cancer of the larynx.

e. John P. McAuliff
111 West Washington Street
Chicago, Illinois.

f. Not applicable.

g. The claim was settled.

INTERROGATORY NO. 32

Do you have policies of insurance that cover the claims that have been made by plaintiffs herein?

RESPONSE TO INTERROGATORY NO. 32

A determination of what coverage is available for this claim cannot be made until after this claim is paid by the carriers. Consequently, Kentile cannot state what policies will cover the claim.

INTERROGATORY NO. 33

If so, please list the names of each insurance carrier with whom you have coverage, the amount of such coverage, and the date of each such policy.

RESPONSE TO INTERROGATORY NO. 33

To the extent that this interrogatory requests the identities and amounts of coverage which Kentile expects will afford coverage, see Exhibit "A."

INTERROGATORY NO. 34

Please describe in detail the type of packages in which you have sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.

RESPONSE TO INTERROGATORY NO. 34

Tile was packaged in corrugated cardboard cartons made to hold 45 square feet of tile in various gauges. The name of the company, size of tiles, package handling instructions, style, color and code number appeared on each carton.

Vinyl sheet flooring was rolled in brown paper. The pattern, color, length and width were marked.

INTERROGATORY NO. 35

For the period 1930 to January 1, 1978, did you receive any reports or communications from your workers' compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos-containing floor-covering products? If so, please state who had possession of said reports, the location of said reports and

the substance of the contents of said report, listing for each such report the respective insurance company, its address and the agent signing such correspondence.

RESPONSE TO INTERROGATORY NO. 35

No.

INTERROGATORY NO. 36

Have you imported asbestos or asbestos materials since 1930?

RESPONSE TO INTERROGATORY NO. 36

Yes.

INTERROGATORY NO. 37

If the answer to the preceding interrogatory is yes, then state:

a. From where the asbestos or asbestos materials was imported.

b. How long you have imported asbestos and asbestos materials.

c. Whether you have supplied this imported asbestos or asbestos materials to any of the other defendants since 1945, when these transactions took place and where.

d. Whether any warnings, cautions, caveats or directions accompanied the materials referred to in subpart c and the date thee first appeared.

RESPONSE TO INTERROGATORY NO. 37

a. Johns-Manville Corp.
Asbestos, Quebec, Canada

Carey Canada Corp.
East Broughton Station, Canada

b. 1950-61; 1969-86

c. No.

d. Johns-Manville; October 1, 1968.

Carey Canada; upon information and belief, 1977.

INTERROGATORY NO. 38

If you have discontinued manufacturing and/or selling any asbestos products, please state the reasons therefor.

RESPONSE TO INTERROGATORY NO. 38

It would not be practical to comply with upcoming revisions to OSHA regulations regarding asbestos in the work place.

INTERROGATORY NO. 39

Have any other manufacturers or suppliers of asbestos or asbestos containing products ever furnished you with information as to the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including cancer and asbestosis?

RESPONSE TO INTERROGATORY NO. 39

No.

INTERROGATORY NO. 40

If the answer to the preceding interrogatory is yes, then state:

a. What information was furnished to you.

b. The date the information was furnished to you.

c. The names of all parties who furnished the information to you.

RESPONSE TO INTERROGATORY NO. 40

Not applicable.

INTERROGATORY NO. 41

Since 1930: Have any manufacturers or suppliers of asbestos or asbestos-containing products furnished to you or have you furnished any manufacturers or suppliers of asbestos or asbestos-containing products with the results of any research test, medical studies or experiments regarding the state of the medical knowledge as to the connection between asbestos exposure and the contracting of cancer o asbestosis?

RESPONSE TO INTERROGATORY NO. 41

No.

INTERROGATORY NO. 42

If the answer to the preceding interrogatory is yes, then state:

a. When each took place.

b. Who participated in each.

c. A summary of the content of each document or communication.

RESPONSE TO INTERROGATORY NO. 42

Not applicable.

INTERROGATORY NO. 43

Have you ever conducted or sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful? if so, please state:

a. By whom the research was conducted, giving complete names and addresses.

b. The dates that each such test was conducted.

c. The complete results of each test or study.

d. Whether you will supply copies of reports of the research department pertaining to the corporation's use of asbestos in its manufactured floor-covering products, without the necessity of a formal notice to produce or motion to produce documents, and, if so, please attach said copies to your answers to interrogatories.

RESPONSE TO INTERROGATORY NO. 43

Yes.

a. SRI, Inc., Menlo Park, California for the Resilient Floor Covering Institute.

b. 1979.

c. Results of test indicate that there is no exposure to airborne asbestos fibers in the use and maintenance of the tile, and when recommended procedures are used for its installation and removal, exposure is substantially below the OSHA limit.

d. No.

INTERROGATORY NO. 44

State the names and addresses of all persons who have served as chief medical officers since 1930, listing the periods of time each was employed by you and in what capacity.

RESPONSE TO INTERROGATORY NO. 44

Not applicable.

INTERROGATORY NO. 45

Name the person in the corporate structure to whom the chief medical officer reports, also giving that persons' position or job title in the corporation.

RESPONSE TO INTERROGATORY NO. 45

Not applicable.

INTERROGATORY NO. 46

Please state the duties and responsibilities of the corporation's chief medical officer.

RESPONSE TO INTERROGATORY NO. 46

Not applicable.

INTERROGATORY NO. 47

Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by you at any of its facilities from the year of 1930 until the present time for the purposes of evaluating, diagnosing or treating pulmonary complaints or problems in past, present or prospective employees.

RESPONSE TO INTERROGATORY NO. 47

Kentile does not maintain records which enable it to respond to this interrogatory at present. In order for Kentile to respond to this interrogatory, Kentile must manually search through all its files for the last sixty years simply to retrieve the information requested. Kentile, however, has begun this arduous task and will supplement this response when it has completed its review.

INTERROGATORY NO. 48

Please state the names and addresses of all persons employed by you from 1930 through January 1, 1978, who functioned as industrial hygienists. As contemplated by these interrogatories, an industrial hygienist is one that performs engineering or health studies to identify and evaluate potential occupational health hazards and suggests methods of dealing with same. with respect to each person employed by you as an industrial hygienist, please state:

a. facility or office to which each was assigned.

b. His or her complete and precise duties and responsibilities.

RESPONSE TO INTERROGATORY NO. 48

See Response to Interrogatory No. 47.

INTERROGATORY NO. 49

Did your medical officers, physicians or industrial hygienists at any time, ever make any recommendations and/or suggestions to you pertaining to the risks or hazards to persons involved in the manufacturing or use of floor-covering products containing asbestos? If so, please state:

a. Where the recommendations were made.

b. To whom they were made.

c. By whom they were made.

d. The substance of each recommendation.

RESPONSE TO INTERROGATORY NO. 49

No.

INTERROGATORY NO. 50

Please state the names of trade association periodicals to which you subscribed from 1928 to January 1, 1978. State whether or not during said period, you had any knowledge of any articles being printed in industry trade journals, essays, memoranda, and other similar sources pertaining to the hazardous potential of asbestos and which of such articles were received by you.

RESPONSE TO INTERROGATORY NO. 50

The Federal Register; Occupational Safety and Health Reporter; Pollution Engineering Magazine; Occupational Safety and Health Magazine; Safety & Health News; 29 CFR; Handbook of Engineering. Kentile had knowledge of articles from the early 1970's.

INTERROGATORY NO. 51

Name those organizations, groups, inter-company or industrial organizations, their committees or subcommittees, to which you belong which conducted studies or researched relationships, if any, between exposure to asbestos fibers or products and asbestosis and lung cancer, from 1945 to 1970 and the years of your membership.

RESPONSE TO INTERROGATORY NO. 51

Resilient Floor Covering Institute.

INTERROGATORY NO. 52

Have you received copies of transcribed minutes of the various committee meetings, subcommittee meetings, general meetings and Board of Director meetings of any organization

listed in answer to interrogatory #51 within one year of such meetings.

RESPONSE TO INTERROGATORY NO. 52

No.

INTERROGATORY NO. 53

Please state the amounts you have spent or contributed annually, from 1930 until January 1, 1978, for research specifically directed to the relationship, if any, between an exposure to asbestos-containing floor-covering products and asbestosis, lung cancer or any other pulmonary disease.

RESPONSE TO INTERROGATORY NO. 53

Unknown.

INTERROGATORY NO. 54

Please state the amount you have annually contributed through January 1, 1978, to any independent medical research group or groups conducting research into the relationship , if any, between exposure of those employees who work with asbestos-containing products to asbestos and any pulmonary disease.

RESPONSE TO INTERROGATORY NO. 54

Not applicable.

INTERROGATORY NO. 55

Please state the names and addresses of the organizations or groups conducting the studies referred to in answer to interrogatories numbered 53 and/or 54.

RESPONSE TO INTERROGATORY NO. 55

Resilient Floor Covering Institute.

INTERROGATORY NO. 56

Have you had a department, division or section devoted to scientific and/or medical research during the period from 1930 until January 1, 1978? If so, state its title(s) and when it was first formed.

RESPONSE TO INTERROGATORY NO. 56

No.

INTERROGATORY NO. 57

Please state the scientific or medical periodicals to which you, your medical department or industrial hygiene division subscribed during the period between 1930 and 1964, specifying the date such subscriptions were begun.

RESPONSE TO INTERROGATORY NO. 57

See Response to Interrogatory No. 50.

INTERROGATORY NO. 58

Please state whether any of your asbestos-containing products were provided with any special instructions, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amounts of dust exceeding threshold limit values. If so, state:

a. When these instructions were given.

b. By whom these instructions were given.

c. Whether the instructions were oral or written.

d. The precise content of the instructions.

e. If the instructions were written, please attach a copy of the instructions.

RESPONSE TO INTERROGATORY NO. 58

Yes.

a. Approximately 1978 - present.

b. Package inserts.

c. Written.

d. See Response to Interrogatory No. 29(b).

e. This is not an interrogatory.

INTERROGATORY NO. 59

Did any representatives of yours attend the 20th annual meeting of the IHF in November, 1955, in Pittsburgh, Pennsylvania? If so, give the name and current address of each such attendee.

RESPONSE TO INTERROGATORY NO. 59

Upon information and belief, no.

INTERROGATORY NO. 60

Have you received a copy or copies of the Industrial Hygiene Digest published monthly by the IHF, and if so, state the date of initial receipt of such publication.

RESPONSE TO INTERROGATORY NO. 60

No.

INTERROGATORY NO. 61

Have you ever requested IHF officials to:

a. Perform a search of the medical literature to determine whether any scientists or doctors were reporting cases of asbestosis and/or lung cancer i ship workers, mechanics, or others working with or exposed to asbestos containing products, or

discussing the potential hazards incident to use of asbestos-containing products.

b. Perform any studies or research into potential health hazards incident to the use of asbestos-containing floor-covering products.

c. Review governmental publications of Great Britain for determining whether any research was being conducted by the British government into any potential health hazards incident to the use of floor-covering products containing asbestos.

d. Review governmental publications of Great Britain to determine whether the Chief Inspector of Factories, or any other British government agency, had issued any regulations or published any findings relative to potential health hazards incident to the use of floor-covering products containing asbestos.

RESPONSE TO INTERROGATORY NO. 61

No.

INTERROGATORY NO. 62

Did you at any time prior to January 1, 1980 warn any labor union representing ship workers, mechanics, or other working with or exposed to asbestos-containing products, of any potential health hazard form the use of floor-covering products containing asbestos?

RESPONSE TO INTERROGATORY NO. 62

No.

INTERROGATORY NO. 63

If the answer to the preceding interrogatory is yes, then state:

a. name of the union.

b. How said union was informed.

c. The date and place of said information or warning.

d. The content and nature of said warning.

e. The individual or individuals warned.

RESPONSE TO INTERROGATORY NO. 63

Not applicable.

INTERROGATORY NO. 64

State the name of all persons who have acted in the capacity of medical librarian for you from 1930 to January 1, 1978, give their current address, telephone number, and current position with the company.

RESPONSE TO INTERROGATORY NO. 64

Not applicable.

INTERROGATORY NO. 65

State whether you ever subscribed to or received copies of the Asbestos Worker magazine and state the years of subscription or receipt of this magazine.

RESPONSE TO INTERROGATORY NO. 65

No.

INTERROGATORY NO. 66

Please state whether you subscribe to the Asbestos magazine and list the inclusive dates of your subscription.

RESPONSE TO INTERROGATORY NO. 66

No.

INTERROGATORY NO. 67

Please identify all booklets, manuals, journals, and all publications directed from you prior to January 1, 1980 to customers and users of all asbestos-containing products and the dates said information was forwarded regarding proper use and application of your asbestos containing products.

RESPONSE TO INTERROGATORY NO. 67

Various sales brochures, package inserts and installers' manuals.

INTERROGATORY NO. 68

Please describe and identify all tests and experiments conducted by your prior to January 1, 1980 to determine whether or not asbestos fibers contained within your asbestos-containing floor-covering products would become airborne upon their being applied by asbestos workers or helpers. Please state the dates of all tests and experiments, the results, and conclusions of each test and/or experiment.

RESPONSE TO INTERROGATORY NO. 68

Not applicable.

INTERROGATORY NO. 69

At any time prior to 1964 were any tests or studies conducted or sponsored by you to determine:

a. the level of dust o fiber concentrations incident to:

i. Cutting or sawing your floor-covering products containing asbestos;

ii. Tearing down the product during repair and maintenance functions.

b. Whether long term (20 years or more) exposure to floor-covering product containing 15% asbestos or less for work periods less than 8 hours a day, both indoors and outdoors, which resulted in the liberation of asbestos dust or fiber below 5 million particles per cubic foot (mppcf) might cause asbestosis or expose such worker to an increased statistical risk of contracting:

i. Bronchogenic cancer;

ii. Mesothelioma (pleural or peritoneal);

iii. Gastrointestinal cancer.

RESPONSE TO INTERROGATORY NO. 69

No.

INTERROGATORY NO. 70

State the date and the source form which you received your first notice and awareness of TLV's pertaining to the concentration of airborne asbestos fibers.

RESPONSE TO INTERROGATORY NO. 70

OSHA early 1970's.

INTERROGATORY NO. 71

Between 1930 and 1978, did you hear from any source of an alleged association between asbestos exposure and the development of cancer, asbestosis and pulmonary disease?

RESPONSE TO INTERROGATORY NO. 71

Yes.

INTERROGATORY NO. 72

State when your knowledge as to the alleged association between the inhalation of asbestos fibers and contraction of cancer an asbestosis was first acquired, and state the source of that information.

RESPONSE TO INTERROGATORY NO. 72

Early 1970's, OSHA.

INTERROGATORY NO. 73

Do you subscribe to the United States Public Health Bulletin Service? If so, please state the date when you first so subscribed to the Public Health Service Bulletin.

RESPONSE TO INTERROGATORY NO. 73

No.

INTERROGATORY NO. 74

Please state the date when, if ever, you first notified your employees working in your manufacturing plants and factories as to the need to wear and use respirators.

RESPONSE TO INTERROGATORY NO. 74

1968.

INTERROGATORY NO. 75

Please state the date when your first notified workers applying your floor-covering products as to the need to wear respirators.

RESPONSE TO INTERROGATORY NO. 75

Not applicable.

INTERROGATORY NO. 76

Have you ever published bulletins warning your employees concerning the hazards of inhalating asbestos and

coming into contact with your asbestos-containing product? If so, describe sufficiently for purpose of a notice to produce all such bulletins.

RESPONSE TO INTERROGATORY NO. 76

Yes. Letters on the health effects of asbestos, the need for safe handling of asbestos and the proper use and benefits of dust masks or respirators were posted on plant bulletin boards.

INTERROGATORY NO. 77

Have any of your officers, agents, servants or employees ever testified before any governmental body regarding the possible harmful effects of asbestos exposure? If so, please state:

a. When and where such testimony was given.

b. A summary of said testimony.

c. If said testimony was recorded, and if so, attach a copy to the answer to these interrogatories.

RESPONSE TO INTERROGATORY NO. 77

No.

DATE: April 25, 1988

BUCHALTER, NEMER, FIELDS & YOUNGER
A Professional Corporation

By _____
STEVEN JUNG
Attorneys for Defendant
KENTILE FLOORS, INC.

NO. 8921 P. 36 2
718 885 0718
JUL. 24. 2001 11:49AM KOSE, KLEIN & MARIAS

KENTILE FLOORS INC.

UMBRELLA & EXCESS - EFFECTIVE 1/1/85

PRIMARY - NATIONAL UNION - GLA 1940230

UMBRELLA	LIMIT	POLICY #
TRANSCONTINENTAL - AVRECO	15MM	UMB 1672704
EXCESS UMBRELLA		
INDEMNITY OF NORTH AMERICA - AVRECO	10MM p/o 15MM	XLP 156662
TRANSPORT INDEMNITY - AVRECO (1/1/85-6/15/85)	5MM p/o 15MM	TEL 011886
GRANITE STATE - PACIFIC STARR (6/15/85-1/1/86)	5MM p/o 15MM	6485-6458

Rescinded 2 letters

1/1/86-87

PRIMARY - NATIONAL UNION - GLA 1803182

JUL. 24. 2001 11:49AM 9E KRUSE, KLEIN & MARIAS NO. 8921 P. 37
718 885 0718

KENTILE FLOORS, INC.

UMBRELLA & EXCESS RENEWALS
EFFECTIVE: 1/1/94

PRIMARY - NATIONAL UNION - GLA 9456746

Umbrella	Limit	Policy #
Transcontinental - AVRECO	$15,000,000	UMB8442089
Excess Umbrella:		
Layer $25,000,000		
Indemnity Insurance Company (AVRECO)	$10,000,000	XCP145079
Integrity - AVRECO	$10,000,000	XL208215
Hartford	$ 5,000,000	10XS103246
Layer $10,000,000 excess $40,000,000		
Harbor	$10,000,000	H11B0038
Layer $10,000,000 excess $50,000,000		
Hartford Insurance Co.	$ 5,000,000	10XS103245
Harbor (AVRECO)	$ 5,000,000	

JUL. 24. 2001 11:30AM 38 KOSE, KLEIN & MARIAS NO. 8921 P. 38
718 865 0718

NEWTILE FLOORS, INC.

Umbrella & Excess - 1/1/83 - 1/1/84

PRIMARY - NATIONAL UNION - GLA 9456746RA

UMBRELLA	LIMIT OF LIABILITY
Allianz (Stewart Smith) #UL558313 Underwriter Pat Bernasconi (964-2929)	5,000,000 excess primary
EXCESS UMBRELLA	
Layer 10,000 ex 5,000,000	
Transcontinental (AVRECO) #RDX 009616542 Allianz (Stewart Smith) #XL559514	8,000,000 PO 10,000,000 2,000,000 PO 10,000,000
Layer 25,000,000 ex 15,000,000	
Fireman's Fund #XLX 1481670 Integrity Insurance Co. (AVRECO) #XL203722 Hartford A&I #10XS102116	10,000,000 PO 25,000,000 10,000,000 PO 25,000,000 5,000,000 PO 25,000,000
Layer 10,000,000 ex 40,000,000	
Allianz (Stewart Smith) #XLX559529	10,000,000
NEW LAYER 10 ex 50	
Hartford 10XSHC0794 Fire Fund XLX1495451	5,000,000 5,000,000

KENTILE FLOORS, INC.

Term	Insurance Company	Policy No.	Limits of Liability
1/1/82-83	National Union Fire Insurance Company of Pittsburgh, PA	GLA9456417RA	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits $5,000,000			
1/1/82-83	Allianz Insurance Company	UL558313	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/82-83	Transcontinental Ins. Company	RDX009616542	$8,000,000 part of $10,000,000
1/1/82-83	Allianz Insurance Company	XL559514	$2,000,000 part of $10,000,000
3rd Umbrella Limits $25,000,000 excess of $15,000,000			
1/1/82-83	Firemen's Fund Insurance Company	XLX1481670	$10,000,000 part of $25,000,000
1/1/82-83	Hartford Accident & Indemnity Company	10XSCB6993	$5,000,000 part of $25,000,000
1/1/82-83	Integrity Insurance Company	XL203722	$10,000,000 part of $25,000,000
1/1/81-82	National Union Fire Insurance Company of Pittsburgh, PA	GLA127716RA	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits $5,000,000			
1/1/81-82	Home Insurance Company	HEC991128	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/81-82	Firemen's Fund Insurance Company	XLX1437275	$10,000,000
3rd Umbrella Limits $25,000,000 excess of $15,000,000			
1/1/81-82	Firemen's Fund Insurance Company	XLX1437276	$10,000,000 part of $25,000,000
1/1/81-82	Hartford Accident & Indemnity Company	10XS102116	$5,000,000 part of $25,000,000
1/1/81-82	National Union Fire Insurance Company of Pittsburgh, PA	9910486	$10,000,000 part of $25,000,000

Term	Insurance Company	Policy No.	Limits of Liability
1/1/80-81	National Union Fire Insurance Company of Pittsburgh, PA	GLA1270628RA	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limit $5,000,000			
1/1/80-81	Home Insurance Company	HEC9834171	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/80-81	Firemen's Fund Insurance Company	XLX1372347	$10,000,000
3rd Umbrella Limits $25,000,000 excess of $15,000,000			
1/1/80-81	Firemen's Fund Insurance Company	XLX1372348	$10,000,000 part of $25,000,000
1/1/80-81	Hartford Accident & Indemnity Company	10XS100895	$5,000,000 part of $25,000,000
1/1/80-81	National Union Fire Insurance Company of Pittsburgh, PA	9782437	$10,000,000 part of $25,000,000
1/1/79-80	National Union Fire Insurance Company of Pittsburgh, PA	GLA1269100	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits $5,000,000			
1/1/79-80	Home Insurance Company	HEC9802011	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/79-80	Firemen's Fund Insurance Company	XLX1369446	$10,000,000
3rd Umbrella Limits $25,000,000 excess of $15,000,000			
1/1/79-80	Aetna Casualty & Surety Company	01XN2095WCA	$10,000,000 part of $25,000,000
1/1/79-80	Hartford Accident & Indemnity Company	10XS100747	$5,000,000 part of $25,000,000
1/1/79-80	National Union Fire Insurance Company of Pittsburgh, PA	1229374	$10,000,000 part of $25,000,000

Term	Insurance Company	Policy No.	Limits of Liability
1/1/78-79	Aetna Insurance Company	CG128612	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits $5,000,000			
1/1/79-79	Home Insurance Company	HEC9655432	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/78-79	Firemen's Fund Insurance Company	XLX2199648	$10,000,000
3rd Umbrella Limits $25,000,000 excess of $15,000,000			
1/1/78-79	Aetna Casualty & Surety Company	01XX1570WC	$10,000,000 part of $25,000,000
1/1/78-79	Hartford Accident & Indemnity Company	10X3100558	$5,000,000 part of $25,000,000
1/1/78-79	Midland Insurance Company	XL148308	$5,000,000 part of $25,000,000
1/1/78-79	National Union Fire Insurance Company of Pittsburgh, PA	1229374	$5,000,000 part of $25,000,000
1/1/77-78	Aetna Insurance Company	CG569390CC	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/77-78	Home Insurance Company	HEC9345894	$5,000,000
2nd Umbrella Limits $10,000,000 excess of $5,000,000			
1/1/77-78	Aetna Casualty & Surety Company	01XX117WCA	$10,000,000
3rd Umbrella Limits $5,000,000 excess of $15,000,000			
1/1/77-78	Hartford Accident & Indemnity Company	01X3100131	$5,000,000

Term	Insurance Company	Policy No.	Limits of Liability
4th Umbrella Limits of Liability $20,000,000 excess of $20,000,000			
1/1/77-78	Aetna Casualty & Surety Company	01XN1339WCA	$5,000,000 part of $20,000,000
1/1/77-78	Firemen's Fund Insurance Company	XLX1267210	$5,000,000 part of $20,000,000
1/1/77-78	Midland Insurance Company	XL1521513/44	$5,000,000 part of $20,000,000
1/1/77-78	National Union Fire Insurance Company of Pittsburgh, PA	1224261	$5,000,000 part of $20,000,000
1/1/76-77	Aetna Insurance Company	CG870877	$1,000,000 Combined B.I. & P.D.
1st Umbrella Limits of Liability $10,000,000			
6/30/74-77	American Home Assurance Company	BE1118800	$10,000,000
2nd Umbrella Limits $10,000,000 excess of $10,000,000			
6/30/74-77	Aetna Casualty & Surety Company	01XN572WCA	$10,000,000
1/1/75-76	Aetna Insurance Company	CG674030	$500,000 Combined B.I. & P.D.
1/1/74-75	Aetna Insurance Company	CG299590	$500,000 Combined B.I. & P.D.
1st Umbrella Limits $5,000,000			
6/30/71-74	American Home Assurance Company	BE2730735	$5,000,000
2nd Umbrella Limits $5,000,000 excess of $5,000,000			
4/1/73-6/30/74	Aetna Casualty & Surety Company	01XN393WCA	$5,000,000
1/1/73-74	Aetna Insurance Company	CG230385	$500,000 Combined B.I. & P.D.

** TOTAL PAGE.09 **

KENTILE FLOORS

PRIMARY

Liberty Mutual	500,000 CSL	LG1-123-010533-021B	1/ 1/71-72
Liberty Mutual	500,000 CSL	LG1-123-01053300228	1/72-73
Aetna Ins. Co	500,000 CSL	CG 230385	1/1/73-74
Aetna Ins. Co	500,000 CSL	CG 299590	1/1/74-75
Aetna Ins. CO	500,000 CSL	CG 674030	1/1/75-76

UMBRELLA

INA	5MM	XBC 41938	6/30/68-71
American Home	5mm	BE 2730735	6/30/71-74
National Union	10MM	BE 1118800	6/30/74-77

EXCESS UMBRELLA ✓

Aetna C&S	5MM x 5MM	01XN393 WCA	4/1/73-6/30/74
Aetna C&S	10MM x 10MM	01xn572 WCA	6/30/74-1/1/77

1- Liberty Mutual prior primary carrier—

2- Kentile reported directly to Liberty Mutual

(3) Liberty Mutual primary G.L. insurer from mid 1930's accordg to L. Gawel, Risk Mgr. Kentile.

VERIFICATION

I, ROCCO SERGI am an agent of Kentile Floors, Inc. I have read the attached Responses of Kentile Floors, Inc. dated April 25, 1988, to plaintiff Herman Kort's Interrogatories to Kentile Floors, Inc. I am informed and believe that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 26TH day of April, 1988, in Brooklyn, New York.

ROCCO SERGI

(VERIFICATION - 446 and 2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of _____ } ss.

I, the undersigned, say: I am the _____

_____

_____

in the above entitled action; I have read the foregoing _____

_____

and know the contents thereof; and that the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters that I believe it to be true.

_____

I certify (or declare) under penalty of perjury, that the foregoing is true and correct.

Executed on _____ *(date)* *at* _____ *(place)*, *California*

_____ _____
Type or Print Name Signature

(PROOF OF SERVICE BY MAIL - 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss.

I am a resident of/employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address/residence address is:

700 South Flower, Suite 700, Los Angeles CA 90017.

On April 28, *19* 88, *I served the within* RESPONSES OF DEFENDANT KENTILE FLOORS, INC. TO INTERROGATORIES PROPOUNDED BY PLAINTIFF HERMAN KORT

on the interested parties

in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California,

addressed as follows:

SEE ATTACHED SERVICE LIST

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.*

Executed on April 28, 1988 *(date)* *at* Los Angeles *(place)*, *California*

BONNIE BAILEY
Type or Print Name

Bonnie Bailey
Signature

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