

SHEIN LAW CENTER, LTD.

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Attorneys for Plaintiffs

**VICKIE HERN, EXEC. OF
THOMAS HERN, DECEASED**

Plaintiff

v.

CERTAINTED CORP., ET AL.

Defendants

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

**NOVEMBER TERM, 1999
NO. 0005**

ASBESTOS CASE

**PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION AND
INTERROGATORIES DIRECTED TO DEFENDANT,
CERTAINTED CORP.**

Plaintiff, Vickie Hern, Exec. of the Estate of Thomas Hern, by and through their attorneys, Shein Law Center, Ltd., propound the following interrogatories on defendant, CertainTeed Corp. pursuant to Pa.R.C.P. 4014, 4005 and 4009.1. Answers to these Requests for Admission and Interrogatories are due thirty (30) days after service of the same. These discovery requests are continuing in nature. If, after answering or producing documents, you obtain or become aware of any further responsive information or document, you are to so notify plaintiffs and supplement your responses hereto.

DEFINITIONS AND INSTRUCTIONS

- (f) The term “documents” includes, without limitation, originals and copies of all documents, blueprints, plans, specifications, change orders, drawings, tracings, correspondence, papers, memoranda, reports, notes, rough drafts, secretarial notes, notebooks, work pads, diaries, legal opinions, calendars, messages, checkbooks, circulars, releases, prospectuses, contracts, orders, graphs, films, tapes, including recorded telephone or personal conversations, computer printouts or any other writing or tangible objects, whether produced or reproduced mechanically, electronically, electrically, photographically or chemically and all other compilations of data from which information can be obtained or translated. The term “document” also includes any original of a duplicate and/or duplicate of an original which contains any handwritten notes, printed matter, typed matter, stamped matter, underlining or markings of any kind not contained on the duplicate or the original.
- (g) The term “defendant” or “you” or “your” or any synonym thereof, either singular or plural, is intended to and shall embrace and include defendants, counsel for the defendants (to the extent that the discovery request seeks non attorney-client privileged information), all agents, servants, employees, information for or on behalf of the defendant, and shall include all present and former subsidiaries, divisions, affiliates, predecessor entities, and entities acquired by you through merger or asset acquisition.
- (h) “Company” or “entity” shall be construed to mean any person, individual, partnership, joint venture, corporation, group, association, governmental entity, governmental agency or any other entity.
- (i) Whenever it is requested that a person or persons be identified, the full name, current address and relationship with the defendant should be stated. In any instance where the defendant is unable to identify all persons requested to be identified, the discovery request should be answered to the fullest extent possible by the defendant.
- (j) If any answer or document responsive to the following discovery requests is withheld on the basis of any claim of privilege, describe generally the matter withheld, state the privilege being relied upon, and identify all persons or entities who have or had access to such matter.
- (k) In producing documents, you are requested to produce all known documents and documents available to you, regardless of whether those documents are possessed directly by you or your agents, employees, representatives, investigators, affiliates, or by your attorney’s agents, employees, representatives or investigators.

- (l) If any document to be produced was at one time in existence, but is no longer in existence, please so state, specifying for each document:
- (a) the type of document;
 - (b) the type of information contained therein;
 - (c) the date upon which the document ceased to exist;
 - (d) the circumstances under which it ceased to exist;
 - (e) and, the identity of all persons having knowledge of the contents of said document.

I. REQUESTS FOR ADMISSION

1. You and/or your predecessors, subsidiaries, affiliates or parent corporations have directly or indirectly engaged in the business of mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distributing, and/or otherwise placing in the stream of commerce asbestos, asbestos fiber and/or asbestos containing products.
2. You have never affixed any warnings to any asbestos, asbestos fiber and/or asbestos containing products manufactured, distributed and/or supplied by you. If denied, state date when warning was first affixed and content of such warning.
3. Your corporate logo or insignia was placed on all packages of asbestos, asbestos fiber and/or asbestos containing products you manufactured, distributed and/or supplied.
4. You and/or your predecessors, subsidiaries, affiliates and/or parent corporations have, in their own right, or through a division, affiliate or subsidiary, contracted to install asbestos containing materials in Pennsylvania.
5. You and/or your predecessors, subsidiaries, affiliates and/or parent corporations have purchased or received asbestos fiber for use in your business or for manufacturing your products.
6. You have or had plants, factories or promotional facilities in the Commonwealth of Pennsylvania which are/were engaged in the importation, manufacture, processing, converting, compounding, packaging, distribution and/or sale of asbestos, asbestos fiber, asbestos containing products and/or asbestos containing insulation products.

7. You and/or your predecessors, subsidiaries, affiliates and/or parent corporations have done business with or utilized distributors or contractors in the Commonwealth of Pennsylvania, counties of Bucks, Montgomery, Delaware, Philadelphia, Berks, Lancaster, Northampton, Lebanon, Chester, Lehigh, Dauphin and/or York for the purposes of selling or installing your asbestos products.
8. You have manufactured asbestos containing products and materials which were re-labeled, distributed and/or sold by another entity or corporation under that other entity or corporation's name or trademark.
9. You have sold and/or marketed and/or supplied under your own name or trademark asbestos containing products which were manufactured and supplied by another corporation.

II INTERROGATORIES

I. Please state whether or not you are a corporation. If so, state:

- (a) Your correct corporate name;
- (b) The state of incorporation;
- (c) The date of your incorporation;
- (d) The address of your principal place of business;
- (e) Whether or not you have ever held a certificate of authority to do business in Pennsylvania;
- (f) Whether or not you have a registered agent for the purpose of accepting service in this state, and if so, the name and present address of that agent;
- (g) State your corporate purposes;
- (h) State whether or not you have or have had subsidiary or predecessor corporation(s), and if so:
 - 1. The name of the subsidiary and /or predecessor;
 - 2. Its date(s) of incorporation, if a corporation;
 - 3. Its state(s) of incorporation;
 - 4. Its corporate purposes.
- (i) Whether your business entity is a product of merger, consolidation, or some other mechanism;
- (j) Identify each such merger, consolidation and when it occurred.

II. State whether you and/or predecessors, subsidiaries, affiliates or parent corporations have at any time directly or indirectly been engaged in the mining, manufacturing, producing, processing, compounding, converting, selling, merchandising, supplying, distributing, and/or otherwise placing in the stream of commerce asbestos, asbestos fiber and/or asbestos containing products. If so, be specific in your answer and state as to each such asbestos product:

- (a) The trade name, general name and/or other identification of each asbestos product;
- (b) The dates during which you mined, manufactured, supplied, distributed, and/or otherwise placed in the stream of commerce each such asbestos product;
- (c) The intended use of each such asbestos product;
- (d) Furnish a complete description of each such asbestos product including the type of asbestos contained therein and the percentage of asbestos contained in said product;
- (e) Describe the physical appearance including color of each such product specifying whether the said product was/is sold in a solid, loose, powdered or other form.

III. Describe in detail the packages in which you would distribute or deliver asbestos and/or asbestos fiber and/or asbestos containing products:

- (a) The type of box or package used;
- (b) The date each type of box or package was used;
- (c) A physical description thereof, including the size and color of the box or package;
- (d) A description of size and color of any printed material that appeared on or in said box or package;
- (e) Identify and produce a photograph or copy of said boxes or packages.

IV. Did defendant ever affix any warnings to any of the asbestos, asbestos fiber and/or asbestos containing products it manufactured, distributed and/or supplied? If so, for each such product that contained a warning set forth the following information:

- (a) The brand and tradename of each such product that contained a warning;
- (b) The date a warning was attached to each such product;
- (c) The substance of each warning;
- (d) Identify and produce a photograph or copy of each such warning.

V. Did defendant ever affix its corporate logo or insignia to the packages of asbestos, asbestos fiber and/or asbestos containing products that it manufactured, distributed and/or supplied?

If so, for each such corporate logo or insignia set forth the following information:

- (a) A description of all logos or insignias used;
- (b) The brand and trade name of each such product that contained a logo or insignia;
- (c) The inclusive dates that each logo or insignia was utilized;
- (d) Identify and produce a photograph or copy of each logo or insignia described in this answer.

VI. Has defendant and/or its predecessors, subsidiaries, affiliates or parent corporations ever had a division, affiliate or subsidiary which was involved in contracting for or installation of asbestos-containing materials in Pennsylvania? If so, for each such entity involved in the contracting or installation of these products, set forth the following information:

- (a) Name of each such entity and the nature of its relationship to the defendant;
- (b) The inclusive dates that each of the above mentioned entities were in existence;
The specific nature of the contracting for or installation of asbestos containing materials in Pennsylvania.

VII. Has defendant and/or its predecessors, subsidiaries, affiliates or parent corporations ever purchased or received asbestos fiber for use in its business or for manufacturing its products? If so, set forth the following information:

- (a) The inclusive dates that your company purchased asbestos fiber;
- (b) The name and address of each and every entity that you purchased or received the asbestos fiber from;
- (c) The nature and types of products that your company used asbestos fiber for;
- (d) The type of asbestos fiber that your company purchased.

VIII. Does defendant have or has it had any plants, factories or production facilities located in the Commonwealth of Pennsylvania which was or is engaged in the importation, manufacture, processing, converting, compounding, packaging, distribution, and/or sale of asbestos, asbestos fiber, asbestos containing products and/or asbestos containing insulation products? If so for each such plant, factory or facility which is or has been located in Pennsylvania, set forth the following information:

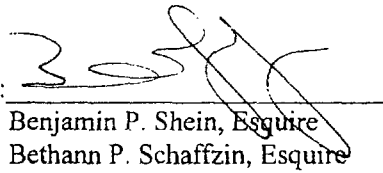
- (a) The name and address of each such plant, factory or production facility;
- (b) The inclusive dates that each plant, factory or facility existed;
- (c) A complete and detailed description of all products that each plant, factory or production facility was engaged in producing (include in your description the type of product and its generic and trade name).

IX. Did defendant and/or its predecessors, subsidiaries, affiliates or parent corporations ever do business with or utilize any distributors in the Commonwealth of Pennsylvania, counties of Bucks, Montgomery, Delaware, Philadelphia, Berks, Lancaster, Northampton, Lebanon, Chester, Lehigh, Dauphin and York for purposes of selling or installing its asbestos products? If so, identify each such entity, indicate and describe the nature of the business that you did with each such entity, and set forth the dates this business relationship existed.

X. Has defendant ever manufactured asbestos containing products and materials which were distributed by another entity or corporation under that other entity or corporation's name or trademark? If so, identify each such entity which sold or distributed these products. Indicate which of your company's products this company marketed and indicate the inclusive dates that this particular commercial arrangement existed.

XI. Has defendant sold and/or marketed and/or supplied under its own name or trademark any asbestos containing products which were manufactured or supplied by another corporation? If so, identify each and every product which your company marketed which was manufactured or supplied by another corporation. Indicate the inclusive dates that you marketed each product and describe the name, tradename and generic name of each such product which your company marketed.

SHEIN LAW CENTER, LTD.

BY: 

Benjamin P. Shein, Esquire

Bethann P. Schaffzin, Esquire

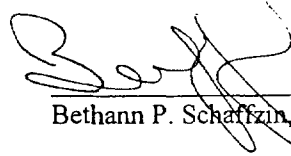
Attorneys for Plaintiffs

Dated: November 17, 2000

CERTIFICATION OF SERVICE

I, Bethann P. Schaffzin, Esquire, hereby certify that the attached **Plaintiff's First Set of Requests for Admission and Interrogatories Directed to Defendant, CertainTeed Corp.** was served via first class mail on November 17, 2000 on the following:

Edward Wilbraham, Esquire
Wilbraham, Lawler & Buba
1818 Market Street, Suite 3100
Philadelphia, PA 19103

A handwritten signature in black ink, appearing to read 'Bethann P. Schaffzin', is written over a horizontal line.

Bethann P. Schaffzin, Esquire