

URL 22178

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Attorneys for Plaintiff(s)

LOTTIE MEMICE, et al,	)	SUPERIOR COURT OF NEW JERSEY
	)	LAW DIVISION
Plaintiff(s),	)	PASSAIC COUNTY
	)	DOCKET NO. L 20509-86
vs.	)	
	)	Civil Action
PPG INDUSTRIES, INC., et al,	)	
	)	
Defendants.	)	<u>INTERROGATORIES</u>

TO: PITNEY, HARDIN, KIPP & SZUCH, ESQS.
Attorneys for Defendants, Union Carbide Co. & Vista Chemical
163 Madison Ave., CN 1945
Morristown, NJ 07960

SIRS:

PLEASE TAKE NOTICE that the Plaintiff demands of the Defendant, Union Carbide and Vista Chemical Co., written answers, under oath, to the following Interrogatories within the time prescribed by law:

As used in these Interrogatories, the terms document, agreement, contract or documentation mean any written, graphic or recorded matter or other means of preserving thought or expression, however produced or reproduced, and all nonidentical copies and drafts thereof, in Defendants' possession, custody or control, including, without limitation, correspondence, contracts, memoranda, checks, invoices, policies, ledgers, journals, notes, reports, statements, notices and all other material which is printed, written, typewritten, stamped, photocopied, microfilmed, filmed, tape-recorded or otherwise recorded and/or retained in any tangible matter or means.

If you claim that any document is privileged or otherwise not subject to discovery, set forth the date of each document, each addressor and each addressee, including each blind copy addressee, the present location of each such document and the identity of the present custodian of each such document.

The following Interrogatories are continuing in nature, so as to require amendment or supplementation if Defendant or Defendant's counsel later become aware of facts which indicate that the answer previously given was incorrect or incomplete.

Definitions: "VCM" referred to herein is vinyl chloride monomer.

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1. State whether any directions, warnings, instructions or notifications of any kind concerning the use of VCM were distributed to the purchasers of VCM and if so, attach a copy of any such directions, warnings or instructions and indicate the dates of use of same.

2. State the date of commencement or inception of any program concerning affixing of labeling or cautionary warnings concerning VCM and state the names and addresses of those persons in charge of, or with ultimate authority over the conception of and development of any labeling or cautionary warnings to be affixed to VCM containers or supplied to purchasers of VCM.

3. State whether or not any claim has, in the past, been filed or is presently pending against this defendant or a subsidiary of this defendant, by an employee or person claiming injury or death resulting from exposure to VCM. If so, state the name and address of the attorney for petitioner, plaintiff or complainant and a complete caption.

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4. State whether or not this defendant recognizes that VCM could cause or result in cancer and its related maladies in human beings and if so, state the date when this defendant first learned that VCM could cause or result in cancer and the source of the information.

5. State whether or not you have ever entered into a contract or agreement for the sale of VCM with the Pantasote Company. If so, state: Based on its review of all available sales records from 1960 through 1983, the defendant Union Carbide Corporation did not enter into a contract or agreement for the sale of VCM to the Pantasote Company's facility in Passaic, New Jersey during those years.

a. Whether said Contract was fully performed by each party.

b. Whether said Contract was terminated earlier than the termination date. If so, indicate the termination date and the reason for such earlier termination.

c. Whether any of the terms of the Contract were modified orally, in writing or by conduct of the parties.

d. If any Contract was not fully performed, state in detail all alleged nonperformances.

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e. Attach hereto a clear copy of said Contract or Agreement together with any modifications or alterations thereof.

f. State the names and address of each individual known by you to be familiar with said contracts or agreements for both vendor and vendee.

6. State whether you ever delivered VCM to the Pantasote Company for its Passaic, New Jersey facility and if so, state, the dates of delivery, the quantity of each delivery, the delivery date and person or persons who have relevant knowledge concerning said sales from vendor and vendee.

Based on its review of all available sales records from 1960 through 1983, the defendant Union Carbide Corporation did not deliver VCM to the Pantasote Company's facility in Passaic, New Jersey during those years.

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7. For each year from 1960 up to and including 1983, state:

a. Your annual capacity in millions of pounds for VCM. If by some other measurement other than millions of pounds, indicate same.

b. Actual production in millions of pounds. If by some other measurement other than millions of pounds, please indicate same.

8. State all manufacturers of VCM for the years 1960 up to and including 1983.

9. State all facts in support of your contention that you did not supply, manufacture not distribute VCM which caused Plaintiff's injury.

See the answers to interrogatories 5 and 6. During the years of Mr. Memice's employment with Pantasote (1960-1983), the defendant Union Carbide Corporation did not sell, supply, or deliver VCM to the Pantasote facility in Passaic, New Jersey.

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10. State whether or not you supplied any chemicals to the Pantasote Company, Passaic facility, from 1960 to 1983. If so, state the name of the chemical and the dates of sale and delivery.

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MARCUS & LEVY
Attorneys for Plaintiff(s)

DATED: DECEMBER 30, 1986

By S. Robert Princiotto /am
S. ROBERT PRINCIOTTO

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

I am familiar with the above facts of this case and I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment for contempt of court.

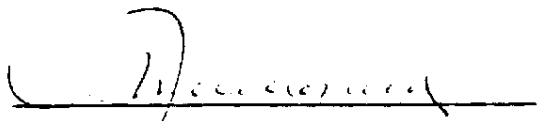
DATED: _____

VERIFICATION

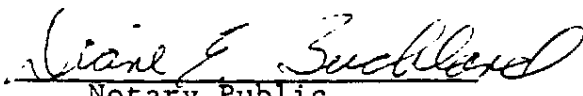
STATE OF CONNECTICUT)
 : ss.:
COUNTY OF FAIRFIELD)

JOHN MACDONALD, being duly sworn according to law,
deposes and says that he is Assistant Secretary of Union
Carbide Corporation, defendant in this action; that he has
read the foregoing answers and believes the contents to be
true; that the foregoing answers have been assembled and
prepared by employees and counsel of the defendant who
have informed deponent that the foregoing answers are true.

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John Macdonald

Sworn to before me
this 11th day
of February, 1987.


Notary Public
DIANE E. BUCKLAND
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1991