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DOCUMENT DESCRIPTION: Kentile Answers to Interrogatories by Plaintiffs Philip & Rose Cannata

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCIVIL ACTION
NUMBER 83-1213-MC

*****)
 PHILIP CANNATA)
 and ROSE CANNATA,)
 Plaintiffs)
 VS.)
 THE FLINTKOTE COMPANY,)
 GARLOCK, INC., UNITED STATES)
 GYPSUM COMPANY, NATIONAL)
 GYPSUM COMPANY and)
 KENTILE FLOORS, INC,)
 Defendants)
 *****)

DEFENDANT, KENTILE FLOORS, INC.'S ANSWERS TO
 INTERROGATORIES PROPOUNDED BY THE PLAINTIFFS,
 PHILIP CANNATA AND ROSE CANNATA

- Q1. Identify the registered name of the answering defendant as well as all prior names or predecessor entities by which the defendant has existed.
- a. For each give the current or past address, where applicable, and the state of incorporation and whether or not it is an active corporation.
- A1. David E. Kennedy, Inc. - 1907 - inactive
 Kentile, Inc. - 1950 - inactive
 Kentile Floors, Inc. - 1964 - active
 58 Second Avenue
 Brooklyn, NY 11215
 New York Corporations
- Q2. Set forth the full and correct name, the principal place business and the State and date of incorporation of the answering defendant.
- A2. Kentile Floors, Inc. - 1964
 58 Second Avenue
 Brooklyn, NY 11215
 New York corporation December 24, 1907

Q3. Identify all divisions, subsidiaries or affiliated companies of the answering defendant.

A3. Not applicable.

Q4. For each entity or division listed in response to No. 3, state whether or not it ever has or presently engages in any phase of mining, manufacturing, sale, supply, distribution, or design of asbestos or asbestos-containing products or materials.

A4. Not applicable.

Q5. Has this Defendant or any division, subsidiary or company listed in No. 4, ever conducted business in the States of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire and Vermont, (hereinafter referred to collectively as "New England"), at any time from 1930 to the present. If so, please state the inclusive dates during which such business was conducted. As used in the Interrogatory, the phrase "conducted business" is intended to be construed in the broadest sense, and includes, but not limited to:

- a. the maintenance by you or on your behalf of any office, plant, warehouse or any other structure, in fee or on lease, in New England;
- b. the employment by you or on your behalf of any person residing in the said states;
- c. the employment of any person residing outside the said states who traveled to or communicated with any person in New England on your behalf;
- d. the transportation or delivery of any product, material or service by you or on your behalf to any person or business in New England; and
- e. the solicitation by you or on your behalf, through any form of communication, of any person or business in New England.

A5. Yes, from 1930 to the present.

Q6. Please state whether or not you have ever held a certificate of authority to do business in the Commonwealth of Massachusetts and the address for your registered agent for service in this State.

A6. No.

- Q7. Has this answering defendant been sued under its correct name? If not, please state the correct legal name of the defendant and provide the information requested in Interrogatory No. 1 above concerning the defendant as correctly named.
- A7. Yes.
- Q8. Has this defendant mined asbestos at any time from 1930 to the present?
- A8. No.
- Q9. If your answer to Interrogatory No. 8 is "yes", please state:
- a. the inclusive dates during which asbestos was mined;
 - b. the location or locations of the mines;
 - c. the identity of each person employed by you as the highest supervisory employee at the mine, at any time from 1930 to the present, and for each such person, please state his or her
 1. title, duties and responsibilities at the mine;
 2. inclusive years of employment at the mine; and
 3. present or last known business and residential address;
 - d. each other present or former officer, employee, agent and representative of yours who has knowledge of the mining activity; and
 - e. the custodian, location and identity of each document in your possession, custody or control which describes or contains information relevant to the mining activity.
- A9. Not applicable.
- Q10. Has this defendant sold, distributed or supplied raw asbestos fiber at any time from 1930 to the present?
- A10. No.
- Q11. If your answer to Interrogatory No. 10 is "yes", then for any raw asbestos fibers sold, distributed or supplied, please describe:

- a. the type and grade of asbestos sold, distributed or supplied, e.g. amosite, chrysotile, crocidolite;
- b. the source of the asbestos fiber, including the location or locations where it was mined and the identity of each person or business which furnished, sold or supplied it to you.
- c. the inclusive dates of sale, distribution or supply;
- d. the type of container in which the raw asbestos fiber was sold, distributed or supplied, e.g. bags, drums, boxes;
- e. the date any warnings, cautions, caveats or directions first appeared on any containers of mined asbestos fiber, the content of each warning, caution, caveat or direction, and the inclusive dates of each warning, caution, caveat or direction;
- f. whether the raw asbestos fiber was sold, distributed or supplied to any person or business located in New England or to any defendant in this litigation;
- g. the identity and title of each present or former officer, employee, agent or representative of yours, any time from 1930 to the present, with knowledge of such sale, distribution or supply; and
- h. the identity of the custodian, location and identity of each document in your possession, custody or control which describes or contains information relevant to such sale, distribution or supply.

A11. Not applicable.

Q12. If your answer to Interrogatory 11(f) is "yes", then identify each defendant or business or person to whom you sold or distributed raw asbestos fiber, and with regard to each please state:

- a. the type of raw asbestos sold to that entity;
- b. the year or years in which such sales were made;
- c. the quantity sold in each year; and
- d. the identity of each person employed by you to direct, arrange or otherwise process such sale, distribution or supply.

A12. Not applicable.

Q13. Has this defendant manufactured, processed, produced, sold, distributed, supplied or furnished any product containing asbestos at any time from 1930 to the present?

A13. Yes.

Q14. If your answer to Interrogatory No. 13 is "yes", then for each asbestos-containing product manufactured, produced, processed, sold, distributed, supplied or furnished by you, please state:

- a. the brand name, if any, and the generic name of the product;
- b. the inclusive dates of manufacture, production or supply;
- c. any other name, number or designation by which the product may be identified;
- d. a physical description of the product, including its color, shape, size and weight per unit, its texture, the percentage of asbestos content, the type of asbestos and other mineralogical content; and
- e. the use for which the product was manufactured or sold, e.g. as a cement, pipecovering, board, block, cloth, rope, plaster, fireproof material, acoustical plaster or brake lining.

A14. a. Vinyl composition tile; asphalt tile, resilient floor tile; vinyl asbestos tile;

b. 1907 to present;

c. None;

d. Solid floor tile, 9" x 9" or 12" x 12" with 10-15% chrysotile asbestos content;

e. Floor tiles only.

Q15. For each product identified in your answer to Interrogatory No. 14 (hereinafter "your asbestos-containing products"), please identify:

a. whether you designed the product, and if not, the identity of the business or person who did;

b. the year in which the product was designed or developed;

c. the year in which the product was first offered for

sale;

- d. the supplier or suppliers of raw asbestos used in the product, the mines where the raw asbestos was mined, and the locations from where it was shipped;
- e. if you did not manufacture, produce or process the asbestos-containing product, but sold, distributed, supplied or furnished it, the party who manufactured, produced or processed the product, and the party who supplied it to you;
- f. the location or locations where each product was manufactured or produced;
- g. the identity of each person employed by you as the highest supervisory employee at the place of manufacture or production of your asbestos-containing products at any time from 1930 to the present; and for each such person, please state his or her:
 - 1. title, duties and responsibilities;
 - 2. inclusive dates of employment at the place of manufacture or production; and
 - 3. present or last known business and residential address.

- A15.
- a. Developed by Kentile;
 - b. Asphalt tile developed in 1930; Vinyl composition tile developed in 1945;
 - c. Same as No. 15(b);
 - d. Johns-Manville Corporation (mined in and shipped from Canada), Union Carbide Corporation (mined in and shipped from California), Carey Canada (mined in and shipped from Canada), and Atlas Asbestos (mined in and shipped from California);
 - e. Not applicable;
 - f. Brooklyn, New York
Chicago, Illinois
Torrence, California; and
 - g. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is not likely to lead to the introduction of admissible evidence.

Q16. For each of your asbestos-containing products, please describe:

- a. the container in which the product was sold, distributed or supplied and the inclusive dates when it was used;
- b. the color of the container and the inclusive dates when it was used;
- c. any logo or other design on the container and the inclusive dates when it appeared on the container;
- d. the content of any printing on the container and the inclusive dates when it appeared on the container;
- e. any instructions on the container and the inclusive dates when they appeared on the container;
- f. any warning on the container and the inclusive dates when they appeared on the container; and
- g. any other markings on the container and the inclusive dates when such markings appeared on any container.

A16. a. Corrugated cardboard cartons;

b. Natural tan color or white (1973);

c. None, except company name;

d. Name of company;

Contains Vinyl Asbestos Tile (1930-1978)

Reinforced Vinyl Tile (1978-1983)

Vinyl Composition Tile (1983-present)

Size of Tiles;

Package handling instructions (i.e., This Side Up, Do Not Drop); Style/Color Code Number, and Manufacturing Code Number;

e. None;

f. None;

g. None.

Q17. Did this defendant or any of its predecessors change any aspect of the container as identified in your answer to Interrogatory No. 16, from the time the container was first introduced to the present? If so, then for each container please indicate:

- a. each change, e.g., in size, shape or texture, or regarding the placement, modification or removal of color, logo, design, name, word, number, instruction warning or other marking on the container;
- b. the date the defendant decided to make the change;
- c. the date the container was actually changed;
- d. the reason for the change;
- e. each present or former employee, officer, representative or agent of yours at any time from 1930 to the present with knowledge of information regarding your decision to change some aspect of the container, and;
- f. the custodian, location and identity of each document in your custody, control or possession which contains information relevant to your decision to change some aspect of the container.

- A17.
- a. Changes in company name, additions of new plant locations (i.e., Chicago and Torrance), changes in product name, graphics and color changes;
 - b. Not available;
 - c. Not available;
 - d. Changes in corporate name to conform with corporate changes, changes in product name to conform with common industry terms, changes in graphics and color for marketing reasons;
 - e. J. Clegg
J. D. Grunewald
J. W. Davis
E. Angrisani
 - f. Not available.

- Q18. Please identify each present and former employee, officer, agent or representative of yours who directed, handled, solicited, supervised, promoted or otherwise participated in the sale, supply, distribution, delivery, installation or removal in New England at any time from 1930 to the present of any of your asbestos-containing products.

- A18. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q19. Please describe your corporate structure concerning the manufacture, sale, advertising and supply of your asbestos-containing products from 1930 to the present. In your answer to this Interrogatory, please identify each present or former corporate department, division or other such subdivision of yours responsible for any of these activities, and with respect to each, please identify the name, title, duties, responsibilities, and current or last known business and residential address of the highest supervising employee for each such department, division or subdivision, with knowledge of any of those activities during any time from 1930 to the present.
- A19. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q20. For each person identified in your answer to Interrogatory No. 18, who participated in the sale of any of your asbestos-containing products in New England at any time from 1930 to the present, please state:
- a. the person's name, title, responsibilities and inclusive years of employment;
 - b. each product which they sold for you;
 - c. whether they ever sold asbestos-containing products for any other defendant in this litigation, and if so, the name of said other defendant employer; and
 - d. the geographic territory in which they promoted such sales.
- A20. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q21. For each person identified in your answer to Interrogatory No. 18, who participated in the distribution or supply of any of your asbestos-containing products in New England at any time from 1930 to the present, please state:
- a. the person's name, title, responsibilities and inclusive years of employment;
 - b. each product which they distributed or supplied for you;

- c. the geographic territory in which they promoted the distribution or supply of your products.

A21. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.

Q22. For each person identified in your answer to Interrogator No. 18, who participated in the delivery of any of your asbestos-containing products in New England at any time from 1930 to the present, please state:

- a. the person's name, title, responsibilities and inclusive years of employment;
- b. each product which they delivered for you; and
- c. the geographic territory in which they made or arranged such deliveries.

A22. None.

Q23. For each person identified in your answer to Interrogator No. 18, who participated in the installation of any of your asbestos-containing products in New England at any time from 1930 to the present, please state:

- a. the person's name, title, responsibilities and inclusive years of employment;
- b. each product which they installed for you; and
- c. the geographic territory in which they promoted such installations.

A23. None.

Q24. For each person identified in your answer to Interrogator No. 18, who participated in the removal of any of your asbestos-containing products in New England at any time from 1930 to the present, please state (as used in this Interrogatory the term removal shall mean the removal or encapsulation of any asbestos-containing product from or any structure or thing):

- a. the person's name, title, responsibilities and inclusive years of employment;
- b. each product which was removed;
- c. the date when each product was removed;

- d. the location or locations where the product was removed; and
- e. the geographic territory in which they performed or arranged such removals.

A24. None.

Q25. For each person identified in your answer to Interrogatory No. 18, who participated in the advertising of any of your asbestos-containing products in New England at any time from 1930 to the present, please state:

- a. name, title, responsibilities and inclusive years of employment;
- b. each product advertised, marketed or promoted;
- c. the method by which each product was advertised, marketed or promoted, and if by print, the name of the publication, the inclusive dates in which it appeared therein, the publisher, and the identity of asbestos-containing products of other defendants in this litigation which also appeared in the publication and
- d. the geographic territory in which the advertising appeared.

A25. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.

Q26. Please describe your corporate structure concerning the subject of employee safety in the design, development, manufacture, testing and use of your asbestos-containing products from 1930 to the present. In your answer to this Interrogatory, please identify each present or former corporate department, division or other such subdivision you are responsible for any of these activities, and with respect to each, please identify the name, title, duties, responsibilities, and current or last known business and residential address of the highest supervising employee in each such department, division or subdivision, with knowledge of any of those activities during any time from 1930 to the present.

A26. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.

Q27. Please describe your corporate structure concerning the subject of the research and development of your

asbestos-containing products from 1930 to the present. your answer to this Interrogatory, please identify each present or former corporate department, division or other such subdivision or yours responsible for any of these activities, and with respect to each, please identify the name, title, duties, responsibilities, and current or last known business and residential address of the highest supervising employee for each such department, division or subdivision, with knowledge of any of those activities during any time from 1930 to the present.

A27. Research and development: Dr. E. Gamble, development of new products and new patterns for floor tile. Business address: Kentile Floors, Inc., 58 Second Avenue, Brooklyn New York, 11215.

Q28. Were any of your asbestos-containing products stored or warehoused by you in New England at any time from 1930 to the present? If so, please identify the address of each warehouse and, for each address, the identity of the products stored or warehoused there, the year or years of such storage or warehousing, each employee, officer, agent or representative of yours with knowledge of such storage or warehousing and the custodian, location and identity of each document in your custody, possession or control which describes or contains information relevant to such storage or warehousing.

A28. No.

Q29. Please identify the means by which your asbestos-containing products were transported to New England at any time from 1930 to the present.

- a. If the products were transported by rail, please identify the name or names of the railroad companies providing that service and the years during which that service was used;
- b. If the products were transported by truck, please identify the name or names of the carrier providing that service and the years during which the service was used;
- c. If the products were transported by vessel, please identify the name or names of the shipline providing that service and the years during which the service was used;
- d. Please identify each present or former employee of yours responsible for coordinating the transporting and delivery of your asbestos or asbestos-containing products to New England at any time from 1930 to the

present; and

- e. Please identify each employee, officer, agent or representative of yours with knowledge of the transporting of these products and the custodian, location and identity of each document which describes or contains information relevant to these activities

A29. a. Not applicable;

b.	Blue Ribbon	1981-1982
	Blue Diamond	1981-1984
	Camel Trucking	
	(no longer in business)	1974-1980
	Coles Express	1983-1984
	Metropolitan Transportation	1981-1984
	New England Motor Freight	1974-1980
	Pacelli Brothers	1974-1984
	Schuster Express, Inc.	1974-1980
	Strauss	1981-1983
	Truckload Transport	1981-1984

c. Not applicable;

d. Edward C. Lynch
George Poepplein
Dan Lopez
Timothy Donovan
Joseph Dolginko
Thomas Kramer
Joseph Cacciola
Erwin Schneider
Salvatore Lombardi

e. Edward C. Lynch
George Poepplein
Dan Lopez
Timothy Donovan
Joseph Dolginko
Thomas Kramer
Joseph Cacciola
Erwin Schneider
Salvatore Lombardi
S. K. Passmore
T. A. Zima
Leonard Okun

Brooklyn Offices:

Edward C. Lynch	Bills of Lading and ROM's
Leonard Okun	Customer Orders and Invoices
Frank O'Sullivan	Invoices
Frank Welch	Contracts

KENDRICK & GORMLEY

ATTORNEYS AT LAW

QUINCY, MASS 01946

QUINCY, MASS 01946

Q30. Please identify each person or business who distributed of your asbestos-containing products in New England at time from 1930 to the present. As used in this Interrogatory, a distributor is any person or business who purchased your product for resale, use or installation or who arranged or facilitated the resale, use of installation of your product for its benefit or the benefit of any third party. For each distributor, please indicate:

- a. whether the distribution relationship was exclusive or non-exclusive;
- b. the year or years in which the distribution relationship was in effect;
- c. the identity of the particular asbestos-containing product(s) of yours which the distributor was authorized to or did distribute, and in each year of distribution, the quantity of each product distributed;
- d. whether the distribution relationship was pursuant to a written or an oral agreement and in either case the terms of any such agreement;
- e. the name, title, and inclusive dates of employment of each present or former employee responsible for locating, developing, maintaining, supervising or otherwise coordinating the distribution of your asbestos or asbestos-containing products by the distributors identified herein at any time from 1930 to the present; and
- f. each employee, officer, agent or representative of yours with knowledge of such distribution agreements or relationships, and the custodian, location and identity of each document in your possession, custody or control which describes or contains information relevant to such distribution agreement or relationship.

A30. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.

Q31. Please state whether you sold, distributed, supplied, delivered or otherwise furnished any of your asbestos-containing products to any person or business identified in Appendix "A" attached hereto at any time from 1930 to the present. For each person or business identified by you in your answer to this Interrogatory, please state:

- a. the brand name or trade name of the asbestos-containing

product sold, supplied, distributed, delivered or furnished by you to such person or business;

- b. the year or years in which the product was sold, distributed, delivered or furnished and for each year the quantity sold, distributed, delivered or furnished;
- c. the means of transportation by which the product was delivered to the person or business;
- d. each location or locations from which the product was transported;
- e. the location to which the product was delivered;
- f. the location or locations where the product was installed, applied or used in New England;
- g. the identity of each contractor, subcontractor, installer or other business which ultimately installed, applied or used the product in New England;
- h. the identity of each present or former employee, officer, agent or representative of yours responsible for supervising, overseeing, promoting, developing, maintaining, or otherwise coordinating the sale, distribution, delivery or furnishing of these products to such persons or businesses;
- i. the name and title of each present or former employee of yours from 1930 to the present who holds or held the highest supervisory position concerning any of the activities described in subpart (h), above; and
- j. the custodian, identity and location of each document which refers to or contains information relevant to such sale, distribution, delivery or furnishing.

A31. No.

Q32. Did this defendant ever sell, distribute or otherwise furnish any of its asbestos-containing products to any defendant in this litigation for delivery, use, installation or resale or redistribution in New England at any time from 1930 to the present? If so, please identify each defendant to which you sold, distributed or furnished your product, and for each defendant identified, please state:

- a. the brand name of each product sold, distributed or furnished to it;
- b. whether the product was intended to be used, installed

distributed or resold by that defendant in the condition when shipped by you;

- c. whether the product, if used, installed, distributed or resold by that defendant was so used, installed, distributed or resold under the name indicated in your answer to subpart (a) of this Interrogatory or if not the name under which it was intended to be used, installed, distributed or resold;
- d. whether any intended use of the product by that defendant was pursuant to any re-labeling agreement or other agreement, and if so, please identify and describe the agreement;
- e. for each product described in subparts (a-d), state year or years in which the product was sold, distributed, delivered or otherwise furnished by you to the defendant, and for each such year, the quantity of each product sold, delivered, distributed or furnished to the defendant;
- f. the location where the product was delivered, applied, used or installed;
- g. the identity of any contractor, subcontractor, installer or other business which ultimately applied, used or installed the product in New England;
- h. the identity of each present or former employee, officer, agent or representative of yours with the highest supervisory responsibility for supervising, overseeing, developing, maintaining or otherwise handling the sale, distribution, delivery or furnishing of the product to that defendant; and
- i. the identity of each employee, officer, agent or representative of yours with knowledge of such sale, distribution, delivery or furnishing and the custodial location and identity of each document in your custody, possession or control which refers to or contains information relevant to such sale, distribution, delivery or furnishing.

A32. No.

Q33. Please describe the method by which you have maintained records concerning the manufacture, sale, advertising, distribution, delivery and installation of each of your asbestos-containing products from 1930 to the present. In your description, please identify:

- a. each present or former corporate department, division

or such subdivision of yours responsible for maintaining those records;

- b. how the records are kept, e.g. in boxes, files, on microfilm, microfiche or computer tape or disc;
- c. the inclusive dates of manufacture, sale advertising distribution, delivery and installation that the record keeping system covers;
- d. the location or locations where they are kept; and
- e. the identity of each person employed by you at any time from 1930 to the present, in the highest supervisory capacity, who is or was directly responsible for the collection and maintenance of these records, and with respect to each person, his or her
 - 1. title, duties and responsibilities;
 - 2. inclusive dates of employment; and
 - 3. present or last known business and residential address.

A33. a. Brooklyn headquarters is the location of all records;

- b. Files;
- c. Generally, late 1960's to the present;
- d. Brooklyn headquarters; and
- e. None.

Q34. Does your record keeping system identify:

- a. persons or businesses who purchased, distributed, sold, installed or used any of your asbestos-containing products in New England? If so, for each person or business, does it identify: (1) the particular product purchased, distributed, sold, installed or used; (2) the date or dates of such activities; and (3) the amount of the product used by that person or business;
- b. any location where the product was (1) manufactured; (2) delivered; (3) stored; or (4) installed;
- c. the source or supplier or the raw asbestos fiber used in the manufacture or production of the product;
- d. the manufacturer or producer of the product, if not

manufactured or produced by you; and

- e. the process by which each product was (1) developed (2) designed, (3) tested, and (4) marketed?

A34. a. They identify Kentile's distributors of all products for all years that they exist;

- b. 1. Yes
- 2. Yes
- 3. No
- 4. No;

c. No;

d. Not applicable; and

e. No.

Q35. If your record-keeping system consists of microfilm, microfiche, computer tape or disk or other system where data is taken from other records, have you retained the documents or other materials from which the information entered into these record-keeping systems was obtained? so, please identify the custodian and location of those records. If not, please indicate the date when and the location where the records were destroyed, the custodian and location of the records prior to their destruction a each employee, representative, official or agent of your who ordered, authorized or supervised the destruction of these records.

A35. Not applicable.

Q36. Please identify any location in New England where any of your asbestos products were used, applied or installed from 1930 to the present. For each location identified, please state:

- a. the name of the product used, applied or installed;
- b. each date on which the product was used, applied or installed at that location;
- c. the quantity of the product used, applied or installed for each date at that location;
- d. the person, business or employer who ultimately used applied or installed the product at that location;
- e. whether you sold or distributed the product directly the person or business ultimately installing, applying or using the product, and if not, the identity of each

distributor, retailer or wholesaler of your product involved in that particular sale or distribution;

- f. the identity of each employee, official, representative or agent of yours who participated in the sale or distribution of the product for that location; and
- g. the custodian, location and identity of each document in your custody, possession or control which refers or contains information relevant to the sale or distribution of your product and its ultimate installation, application or use at that location.

A36. Not presently available.

Q37. Please identify each competitor or yours for the sale or distribution of asbestos-containing products in New England at any time from 1930 to the present. As used in these Interrogatories, the term "competitor" is intended to include any person or business which manufactured, produced, processed, sold, distributed or supplied any asbestos-containing products intended for the same or similar use as any asbestos-containing product of this defendant.

A37. Armstrong Cork Company
Azrock Floor Products;
GAF Corporation
Mastic Tile Corporation
Ruberoid Company
Harry Hackmiester Company
Thomas Moulding Company
Evertex Company
Congoleum-Nairn
Johns Manville Corporation Co.
Hood Rubber Company
B. F. Goodrich
American Biltrite (Amtico)
Winburn Tile
Duraflex Corporation

Q38. For each competitor identified in Interrogatory No. 37, please identify:

- a. each asbestos-containing product which it sold or distributed in New England, and with respect to each, your asbestos-containing product(s) intended for the same or similar use; and
- b. each person or business in New England which sold, supplied or distributed its asbestos-containing products.

A38. a. At least the following:

Vinyl Composition Tile
Vinyl Asbestos Tile
Asphalt Tile
Sheet Flooring
Ceiling Tile
Insulation

b. Unknown.

Q39. Are you aware that any other miners, millers, manufacturers, distributors or suppliers of asbestos or asbestos-containing products has placed a warning on any of its products? If your answer is in the affirmative, please identify each miner, miller, manufacturer, distributor or supplier and the date, by month and year, that it placed a warning on each of its products.

A39. Suppliers of raw asbestos placed warning labels on bags of asbestos in approximately 1975.

Q40. Have you ever conducted any dust studies in any of your asbestos product manufacturing facilities? If so, please state:

- a. the date of each such study;
- b. the person conducting the study;
- c. the result or conclusion; and
- d. who presently has possession of the report or study.

A40. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is not likely to lead to the introduction of admissible evidence.

Q41. Has this defendant or any of its predecessors ever changed the percentage of asbestos in any of its asbestos-containing products manufactured or produced since 1930? If so, then for each product in which the asbestos content has been changed, please identify:

- a. the name of the product;
- b. the original asbestos content beginning in 1930 or in any year thereafter, if the product was not produced in 1930;
- c. each change in the asbestos content;

- d. the year in which each change occurred;
 - e. the reason for each change in the asbestos content;
 - f. the identity of each employee or officer of yours who participated in any decision or was present at any meeting at which the decision to change the asbestos content was discussed or made.
- A41.
- a. Floor tile;
 - b. Approximately 20%;
 - c. Small reductions over the years to approximately 10% at present;
 - d. Unknown;
 - e. Cost factors; and
 - f. Unknown.

Q42. Did this defendant or any of its predecessors ever discontinue using asbestos in any of the products identified in your answer to Interrogatory 14, or introduce an asbestos-free product as a replacement, substitution or alternative for any of your asbestos-containing products?

- a. If you discontinued using asbestos in any of the products identified in your answer to Interrogatory N 14, please state:
 - (1) the name of the product;
 - (2) the date on which asbestos was removed from the product;
 - (3) the reason for the discontinuation or removal of asbestos from the product; and
 - (4) the identity of each employee or officer of yours who participated in the decision or was present at any meeting at which the decision to remove or discontinue using asbestos in the product was discussed or made.
- b. If you introduced an asbestos-free product as a replacement, substitution or alternative for any of your asbestos-containing products, please state:
 - (1) the name of the discontinued product;
 - (2) the name of the replacement product;

- (3) the year in which the replacement product was introduced;
- (4) the reason for the introduction of the new asbestos-free product; and
- (5) the identity of each employee or officer who participated in the decision or were present at any meeting at which the decision to introduce the asbestos-free product was discussed or made.

A42. No.

Q43. Did you ever conduct any tests concerning the human health consequences of the use of your asbestos-containing product. If so, please state:

- a. what tests were done;
- b. who was responsible for conducting the tests;
- c. what the results of the tests were; and
- d. identify any documents concerning the tests.

A43. No.

Q44. Did you ever conduct any tests concerning the human health consequences related to the manufacture of your asbestos-containing product. If so, please state:

- a. what tests were done;
- b. who was responsible for conducting the tests;
- c. what the results of the tests were; and
- d. identify any documents concerning the tests.

A44. No.

Q45. Do any written memoranda, specifications, recommendations or other written material of any kind or character exist related to the testing referred to in Interrogatories Nos. 43 and 44? If so, please state:

- a. identify each such written material or document;
- b. the present custodian of each such document and where it is located.

A45. Not applicable.

Q46. Have you ever conducted any tests concerning the human health consequences of the use and manufacture of your product following the date that the asbestos content was removed from said products or material? If so, please state:

- a. what tests were done;
- b. who was responsible for conducting the tests;
- c. what the results of the tests were; and
- d. identify any documents concerning the tests.

A46. Not applicable.

Q47. When, if ever, did you specifically inform the purchaser or user of your products or materials that contained asbestos that the use of that product or material or exposure to asbestos dust could cause cancer, asbestosis or other serious disease? Please identify the document containing this information by date and location.

A47. Kentile warned against sanding existing floors in its booklets and literature in approximately 1978 since this was the only procedure known to Kentile which could possibly result in a release of Encapsulated asbestos fibers. (See attached copy of installation instructions.)

Q48. Identify any and all labeling or re-labeling agreements for asbestos-containing products in existence since 1930 between you and any other person including defendants as defined in paragraph 6 of Instructions and Definitions.

A48. None.

Q49. Has this defendant ever acquired the assets, stock or property of another person, corporation, company or business entity which manufactured, sold, processed or distributed products or materials containing asbestos?

A49. No.

Q50. If the answer to the above Interrogatory is "yes", please state the following concerning such other persons or entities:

- a. the full and correct name;
- b. the principal place of business;

- c. the state of incorporation;
- d. the date of its acquisition by you;
- e. the products or materials that the other person or entity manufactured, distributed, sold or used;
- f. the date of the agreement;
- g. the signatories to the agreement;
- h. whether the agreement contained any provisions regarding indemnification to you by such other person or entity for any claims concerning the condition or merchantability of the product; and
- i. the custodian and location of the original agreement and each note, draft, memorandum or correspondence relating to the agreement.

A50. Not applicable.

Q51. Is this defendant the result of, or the surviving corporation of any combination, consolidation, merger or reorganization involving another person, corporation, company, partnership or business entity which mined, manufactured, produced, sold, distributed or supplied asbestos or any asbestos-containing product or material from 1930 to the present?

A51. No.

Q52. If your answer to Interrogatory No. 51 is "yes", then for each such person or business, please state:

- a. its full and correct name;
- b. its date of incorporation and principal place of business;
- c. the date of its incorporation;
- d. the date of the combination, consolidation, merger or reorganization;
- e. a description of any contract or agreement describing the combination, consolidation, merger or reorganization;
- f. the name, title and present or last known business and residential address of the signatories of any agreement identified in subpart (e); and

- g. the name, title and present or last known business and residential address of the custodian of each record which describes or relates to the said combination, consolidation, merger or reorganization.

A52. Not applicable.

Q53. For each product identified as being manufactured, sold or distributed by you in Interrogatories Nos. 19, 20 or 23, state whether or not:

- a. you have actual containers or photographs of containers in which said products were sold or distributed; and
- b. who is the custodian or keeper of said containers or photographs including their address and telephone number.

A53. No, other than containers in current use.

Q54. State whether or not any warnings, cautions, caveats or directions accompanied the raw asbestos fiber referred to in Interrogatory 15(e) and identify the nature and extent of said warnings, cautions, caveats or directions accompanying said fiber.

A54. Not applicable.

Q55. When was the first time that you received notice that any person was claiming an injury as the result of using asbestos-containing products manufactured and/or sold by your company?

A55. Unknown.

Q56. For each such injury that you received notice of or a claim for prior to 1970, please list:

- a. the name and address of each claimant;
- b. the date of the notice of each claim;
- c. a description of the claim (i.e., workmen's compensation or a third party liability action);
- d. the type of injury allegedly sustained;
- e. the name and address of each attorney who represents individuals making such claims;
- f. the style and the court number of each claim;
- g. the resolution of each claim that has been disposed of.

and

- h. the custodian of the records that relate to the claim (in lieu of answering the above question, you may attach copies of any and all claims).

A56. None.

Q57. Do you contend that products containing asbestos can be manufactured or treated so as to eliminate all potential health hazards to workers installing the same? If so, please explain in detail what your contentions are and the basis for each contention.

A57. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is not likely to lead to the introduction of admissible evidence.

Q58. Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to the use of asbestos-containing insulation products? If so, please state who has possession of such reports, the location of such reports and the substance of the contents of such reports, listing for each such report the respective insurance company, its address, the agents signing such correspondence and the date of such notice of report.

A58. No.

Q59. Have any of the co-defendants named in this litigation ever furnished you with any information as to the state of the medical knowledge regarding the connection between asbestos dust exposure and the contracting of pulmonary diseases including asbestosis and cancer.

A59. No.

Q60. If the answer to the preceding Interrogatory is in the affirmative, please identify:

- a. what information you were furnished;
- b. who furnished that information; and
- c. when that information was furnished.

A60. Not applicable.

Q61. Have you at any time since 1930 interchanged results of research tests, medical studies or experiments regarding

the state of the medical knowledge regarding the connecti between asbestos exposure and the contracting of pulmonar diseases including lung cancer and asbestosis with any other person, including co-defendants in this action?

A61. No.

Q62. If the answer the the preceding Interrogatory is in the affirmative, please state:

- a. when this interchange took place;
- b. who participated in these interchanges; and
- c. summarize the content of these interchanges or studies.

A62. Not applicable.

Q63. Please state if you or anyone on your behalf ever conducted, sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful.

A63. No.

Q64. If the answer to the above question is in the affirmative, please state:

- a. by whom the research was conducted, giving complete names and addresses;
- b. the dates that each such research project or test was conducted;
- c. the complete results of each test or study;
- d. identify all documents that refer, reflect or relate to the test or study; and
- e. supply copies of the reports of the research department pertaining to the use by the corporation of asbestos in the manufacture of its products.

A64. Not applicable.

Q65. Please state the names and addresses of your chief medical officers from 1930 until the present time, listing the periods of time each such medical officer was employed by defendant in that capacity. If you did not have a medical officer, please indicate what person or persons performed that function.

- A65. None, various clinics in the locality of manufacturing plants.
- Q66. Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by you at any of your manufacturing facilities from the years 1930 until the present.
- A66. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q67. Please state the names and addresses of all persons employed by you from 1930 until the present time who functioned as industrial hygienists. As used in this Interrogatory an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with the same.
- A67. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q68. For each industrial hygienist listed above, please state:
- a. the facility or office to which that individual was assigned; and
 - b. the complete and precise duties and responsibilities.
- A68. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.
- Q69. Please identify each statement, conclusion, warning, recommendation suggestion made to you pertaining to the risks and hazards associated with the manufacturing or use of products containing asbestos.
- A69. None, other than those previously identified.
- Q70. With respect to each communication identified in your answer to Interrogatory No. 75, please state:
- a. where the communication was made;
 - b. who made the communication;
 - c. to whom the communication was made;
 - d. the substance of the communication; and

e. what actions did you take as the result of it?

A70. Not applicable.

Q71. Do you agree that there is a causal connection between exposure to asbestos dust and:

- a. asbestosis?
- b. lung cancer?
- c. mesothelioma?
- d. other cancers?

A71. Objection.

Q72. If your answer to the previous interrogatory is "yes" as any or all subparts, please identify the following as to each disease process listed above:

- a. when and how you first learned of such connection;
- b. if the knowledge was obtained by the attendance at a conference, lecture, convention, symposium or meeting identify such event and provide the name of the person attending or the documents obtained from that meeting;
- c. if the knowledge was obtained from a medical or scientific study or any other published works, identify the same; and
- d. if the knowledge was otherwise obtained, identify the manner of receipt of the document or communication.

A72. Not applicable.

Q73. With regard to any knowledge obtained subsequent to that identified in the previous Interrogatory, please identify:

- a. all documents or other communications, oral or written concerning the causal connection between exposure to asbestos dust or asbestos products and the disease processes identified in Interrogatory No. 68 above; and
- b. identify the person communicating the information.

A73. Unknown.

Q74. When and by what manner were you first aware of the hazard of asbestos or asbestos-containing products to the users of those products?

A74. Unknown.

Q75. Identify any medical examination programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and asbestos products. With respect to each program, please state:

- a. the manner of communicating with employees about such program;
- b. whether examination was mandatory or optional;
- c. what percentage of workers permitted to undergo such examination actually participated;
- d. what percentage of workers were found to have asbestosis or mesothelioma or bronchogenic carcinoma and
- e. with respect to (d), what percentage of such workers were paid disability, workmen's compensation benefits or for whose benefit medical expenses were paid to undergo treatment for such condition.

A75. Objection. This question is overbroad and seeks information which is overly burdensome to obtain and is likely to lead to the introduction of admissible evidence.

Q76. Identify all trade organizations, associations or other entities, including but not limited to ATI, IHF, NAIMA, AIA, NICA, TINA, QAMA, PICA, QAPA, to which you have belonged or in which you have participated since 1925 and the years of your participation.

A76. ATI - 1980 - 1984
AIA - 1973
NAFCD - 1980 - 1984

Q77. Identify all persons attending on your behalf any meeting held by any trade organization listed in the Interrogatory stated above.

A77. J. Clegg
R. Sergi

Q78. Identify the names or nature of all notes, reports, studies or other writings submitted by you or received by you at meetings identified in the Interrogatory stated above.

A78. Unknown.

Q79. Identify any documents you received from or submitted to

those trade organizations, associations or other entities identified in Interrogatory No. 76 relating to the relationship between asbestos exposure and disease.

A79. Unknown.

Q80. Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life? If so, please identify:

- a. all documents summarizing findings or results of those studies or tests which you have in your possession or control;
- b. all communications, oral or written, between answering defendant and Saranac personnel, including but not limited to Gerrit W. H. Schepers, M.D.;
- c. all documents relating to Saranac studies received or submitted by you, either directly, through associated or predecessor companies, through other companies, or through any trade associations, organizations or entities;
- d. all recommendations or findings of such studies in relating to:
 - (1) adequacy or inadequacy of the threshold limit values;
 - (2) the substitution of materials other than asbestos to be used in the insulation process; and
- e. where the documents and/or communications identified in this Interrogatory are presently maintained.

A80. No.

Q81. Identify all persons who have testified on your behalf and all documents presented to or utilized in preparation of testimony before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee or sub-committee or governmental hearing or investigative proceeding on the subjects of biological effects on human life from exposure to asbestos and the setting, modification, feasibility and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products.

A81. None.

Q82. For all testimony set forth above, please identify:

- a. the dates and descriptions of the proceedings;
- b. the relationship between the person who testified or responded and you;
- c. all studies, test results or other scientific or medical documents relied upon by said person as a basis for any recommendation made or testimony given;
- d. whether at any time prior to or following such testimony you possessed knowledge of documents suggesting that existing or proposed threshold limit values were not safe or proper or that lower threshold limit values were necessary in order to prevent disease; as to this response, please identify the origin of the knowledge and all documents relating thereto; and
- e. whether at any time prior to or following such testimony you were aware that the proper method for determination of safe levels of asbestos dust was to test concentrations of fibers in the air rather than the total number of particles. If your answer is in the affirmative, identify the origin of said knowledge and all documents relating thereto.

A82. Not applicable.

Q83. What do you understand "threshold value limit" to mean?

A83. Objection. This question calls for speculation on the part of the defendant.

Q84. What do you understand "dose response relationship" to mean?

A84. Objection.

Q85. What is being measured when you take the measurement of threshold limit value as you define it?

A85. Objection.

Q86. Have you consulted with any expert whom you expect to call as an expert witness at the trial of this case? If so, please give:

- a. the name and address of each such person so consulted

- b. when the person was consulted and what did the person do as a result;
- c. the subject matter on which the expert is expected to testify; and
- d. state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion of the expert.

A86. No.

Q87. State the names and addresses of all witnesses the defendant intends to call to testify and give a brief statement of the substance of the testimony of each such witness.

A87. Not known yet.

Q88. With regard to the preceding Interrogatory, state whether or not a written or recorded statement or deposition or testimony has been given by such witness and indicate who has possession of such statement, deposition or testimony.

A88. No.

Q89. Set forth a list of photographs, plans, sketches or other documents in the possession of the party or its attorney that will be used as an exhibit at the trial of these cases by you.

A89. Not known yet.

Q90. Please identify each asbestos-free product which you manufactured, produced, sold or distributed from 1930 to the present.

A90. Vinyl Composition Tile.

Q91. For each product identified in your answer to Interrogatory No. 90, please state:

- a. the year in which the product was first produced or sold by you; and
- b. whether the product was ever sold or distributed with any warnings that its use could be hazardous to human health.

A91. a. 1980;

b. No.

Q92. If your answer to Interrogatory No. 91 (b) is "yes", please state:

- a. the content of the warning in its entirety;
- b. the size and location of the warning on the product and the container in which it was sold;
- c. the year the warning was first placed on the product and
- d. whether the content or size of the warning ever changed, and if so, please describe those changes and indicate the year or years in which they were made.

A92. Not applicable.

Q93. Please identify each present or former employee of yours who has been both employed by you concerning the sale, promotion, development, research and safety of asbestos-containing products or materials and who was an employee of any other defendant in this litigation or an other company which manufactured, processed, developed, sold, distributed or supplied asbestos-containing products or materials. With respect to each person identified, please identify their former employer, their title and duties and responsibilities as any employee of yours and the inclusive dates of their employment with you and, their title and duties and responsibilities as an employee of other defendant in this litigation or any other company, and the inclusive dates of their employment with that other defendant or other company.

A93. Unknown.

Q94. Has this defendant ever placed any warranties, guarantees or other such representations on any of its asbestos or asbestos-containing products or materials, or on or in the containers in which those products were sold, distributed or supplied at any time from 1930 to the present? If so then for each asbestos or asbestos product or material, please identify:

- a. the product or material;
- b. the inclusive dates on which each warranty, guarantee or other representation appeared on or with the product or on or in the products container;
- c. the exact content of each warranty, guarantee or other representation;
- d. the location on the product or container where each

warranty, guarantee, or other representation was placed;

e. if the content or placement of any warranty, guarantee or other representation was ever changed, and if so, then for each change:

1. the nature of the change;
2. the date when the content or placement of the warranty, guarantee, or other representation was changed;
3. the reason for the change; and
4. the inclusive dates during which the changed warranty, guarantee or other representation appeared on or with the product or its container;

f. the name and title of each of your present or former highest supervisory employees with knowledge of the decision to place any of the aforementioned warranties, guarantees or other representations on or with your asbestos products; and

g. the name, title and present or last known business and residential address of the custodian of any record in your custody, possession or control which relates to and describes any of the aforementioned warranties, guarantees or other representations or the decision to place any of them on or with your asbestos products.

A94. Yes, see document attached as part of answer to Interrogatory No. 47.

Q95. Did this defendant make any representations at any time from 1930 to the present that the use of asbestos in any of its products or materials made these products superior, in any way, to any asbestos-free product or material intended for the same or similar use? If so, then with respect to each representation, indicate:

- a. the date or dates on which the representation was made;
- b. its exact content; and
- c. the manner in which it was communicated. In lieu of answering subpart (b), you may attach a copy of the representation to these answers.

A95. No.

Q96. Did this defendant make any representations at any time from 1930 to the present that the use of asbestos or the use of its asbestos-containing products or materials was safe, harmless or not dangerous. If so, then with respect to each representation indicate:

- a. the date or dates on which it was made;
- b. its exact content; and
- c. the manner in which it was communicated.
In lieu of answering subpart (b), you may attach a copy of the representation to these answers.

A96. No.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 1 DAY
OF February 1985