

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

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RICHARD K. BRENNER and TERRY L. BRENNER,
as Parents and Natural Guardians of :
the Estate, Goods and Chattels of :
RICHARD BRENNER, III, an Infant Minor, :

ESTELLE TERRELL, Individually and as :
Parent and Natural Guardian of :
ANTONIO FIGUEROA, an Infant Minor, :

Plaintiffs, :

- against -

: Index No. 12596/93
(Justice Cosgrove)

AMERICAN CYANAMID COMPANY, Successor :
in interest to MacGREGOR LEAD COMPANY, :
ATLANTIC RICHFIELD COMPANY, :
EAGLE-PICHER INDUSTRIES, INC., :
LEAD INDUSTRIES ASSOCIATION, INC., :
N.L. INDUSTRIES, INC., :
SCM CORPORATION, Successor in interest :
to the GLIDDEN COMPANY, :
SCM CHEMICALS, INC., f/k/a :
SCM PIGMENTS and GLIDDEN PIGMENTS, :
THE GLIDDEN COMPANY, :
THE O'BRIEN CORPORATION, d/b/a :
FULLER-O'BRIEN PAINTS, :
THE SHERWIN-WILLIAMS COMPANY, :

: DEFENDANT AMERICAN
CYANAMID COMPANY'S
: OBJECTIONS AND
RESPONSES TO
: PLAINTIFFS' FIRST SET
OF INTERROGATORIES

Defendants.

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Defendant American Cyanamid Company ("Cyanamid"),
by its attorneys, Donovan Leisure Newton & Irvine, sets forth
the following objections and responses to Plaintiffs' First
Set of Interrogatories to Defendants, dated May 31, 1994.
Cyanamid reserves all objections to the admissibility at
trial of any information provided herein, including without
limitation all objections on the grounds that such

information is not relevant. The individual answers set forth below comprise the responsive, non-privileged information that Cyanamid has been able to compile as of the date hereof. Cyanamid reserves the right to amend, modify or supplement these answers. All information contained herein is provided for use in this litigation only and for no other purpose.

GENERAL OBJECTIONS

1. Cyanamid objects to each interrogatory to the extent that it purports to seek information with regard to "predecessor companies," which plaintiffs have defined as companies "acquired by defendant through the purchase of ... assets." This definition presumes that (a) a corporate entity "acquires" a company through the purchase of certain of the company's assets, and (b) a company from whom a corporate entity purchases assets is the entity's "predecessor." Cyanamid denies the validity of both of these presumptions and, by answering the instant interrogatories, Cyanamid in no way waives its position that it is neither legally nor factually a "successor-in-interest" to MacGregor Lead Company ("MacGregor").

2. Cyanamid objects to each interrogatory to the extent that it purports to seek information with regard to actions taken by Cyanamid "through its corporate

predecessors." Each such interrogatory presumes that (a) there are one or more entities related to the subject matter of this lawsuit that can be characterized as Cyanamid's "corporate predecessors," and (b) any acts or omissions of any so-called "corporate predecessors" were undertaken with Cyanamid's knowledge or acquiescence. Cyanamid denies the validity of both of these presumptions and, by answering the instant interrogatories, Cyanamid in no way waives its position that it is neither legally nor factually a "successor-in-interest" to MacGregor.

3. Cyanamid objects to each interrogatory to the extent that it purports to seek information with regard to "lead pigment," which plaintiffs have defined as including "all of the various carbonates and sulphates of lead, and oxides." This definition is inconsistent with and more expansive than the definition of "lead pigments" that are at issue in this lawsuit (see Amended Complaint ¶ 23). As a result, each interrogatory that seeks information regarding "lead pigments" as defined in plaintiffs' interrogatories is overbroad in that it seeks information not relevant to the subject matter of this lawsuit. Accordingly, Cyanamid limits its responses herein to information relating to "lead pigments" as defined in the Amended Complaint.

4. Cyanamid objects to each interrogatory to the extent that it purports to request information about the testing, manufacture, production, distribution, sale, marketing, market share and/or promotion of any product by Cyanamid. In the Amended Complaint (at ¶ 11) Cyanamid is named as a defendant in this lawsuit only "as Successor in Interest to MacGREGOR LEAD COMPANY." Thus, information regarding the testing, manufacture, production, distribution, sale, marketing, market share and/or promotion of any product by Cyanamid is not relevant to the subject matter of this lawsuit. Accordingly, Cyanamid limits its responses herein to information relating to the testing, manufacture, production, distribution, sale, marketing, market share and/or promotion of products by MacGregor Lead Company ("MacGregor").

5. Cyanamid objects to each interrogatory to the extent that it purports to seek information about "paint" or "paint products." In the Amended Complaint (at ¶ 22) Cyanamid is named as a defendant in this lawsuit only insofar as it is the alleged successor to a company that plaintiffs contend "processed, manufactured, designed, developed, tested, packaged, inspected, sold, distributed, supplied, delivered and/or marketed lead pigments for use in lead paint." Because neither Cyanamid nor MacGregor is alleged to

have "processed, manufactured, designed, developed, tested, packaged, inspected, sold, distributed, supplied, delivered and/or marketed" paint, each interrogatory that purports to seek information about "paint" or "paint products" requests information that is not relevant to the subject matter of this lawsuit. Accordingly, Cyanamid limits its responses herein to information relating to "lead pigments" as defined in the Amended Complaint.

6. Cyanamid objects to plaintiffs' interrogatories to the extent that they purport to seek confidential, proprietary or trade secret information, and will provide such information only upon the execution of an appropriate stipulation of confidentiality.

7. Cyanamid objects to plaintiffs' interrogatories to the extent that they purport to seek disclosure of information that is protected by §§3101(b) and 3101(c) of the New York Civil Practice Law and Rules, the attorney-client privilege or any other legally available privilege including, but not limited to, the work-product doctrine.

**ANSWERS AND OBJECTIONS TO
PLAINTIFFS' INTERROGATORIES**

Interrogatory No. 1:

Please state the full corporate name of defendant.

Response to Interrogatory No. 1:

American Cyanamid Company.

Interrogatory No. 2:

Please state the name(s) and current position(s) of the individual(s) responding to these Interrogatories.

Response to Interrogatory No. 2:

Cyanamid objects to this interrogatory on the ground that it seeks information that is not relevant to the subject matter of this lawsuit. Without waiving the foregoing objection, Cyanamid states that the responses provided herein are corporate responses, based in part upon books and records maintained by Cyanamid, and are not provided by any individual or group of individuals.

Interrogatory No. 3:

Please state the following:

- (a) the date of incorporation of defendant;
- (b) the state in which defendant was incorporated;

(c) whether defendant has ever been authorized by the New York Secretary of State to conduct business within the State of New York and, if so, please specify the dates the defendant was so authorized.

Response to Interrogatory No. 3:

Cyanamid objects to this interrogatory on the ground that it requests information that can be found in publicly available sources and thus is readily accessible to plaintiffs. Without waiving the foregoing objection, Cyanamid responds as follows:

(a) July 23, 1907;

(b) State of Maine;

(c) Cyanamid was authorized to conduct business within the State of New York by the New York Secretary of State on June 19, 1908.

Interrogatory No. 4:

Please outline the corporate history of defendant, including all predecessor companies acquired by defendant through purchase of stock, assets, acquisition or merger that were engaged in the manufacture, production, sale and/or distribution of white lead or other lead pigments.

Response to Interrogatory No. 4:

See General Objections Nos. 1, 3 and 4. Cyanamid further objects to this interrogatory on the grounds that it is overly broad and seeks information that is not relevant to the subject matter of this lawsuit insofar as it purports to seek information about transactions that do not involve MacGregor. Cyanamid also objects to this interrogatory to the extent that it presumes that "white lead" was used only as a pigment. Cyanamid denies the validity of this

presumption and states, upon information and belief, that (1) compounds known as "white lead" (such as basic lead carbonate) have applications other than as a pigment, and (2) such compounds were marketed as heat stabilizers for use in the manufacture of plastics and polyvinyl chloride ("PVC"). Without waiving the foregoing objections, Cyanamid states that by an "Assets Purchase Agreement" dated May 24, 1971, Cyanamid purchased from MacGregor and Armstrong Chemcon, Inc. certain tangible assets and goodwill of MacGregor "relating to the manufacture, sale and distribution of litharges and lead chemicals and other products, excluding only the manufacture, sale and distribution of lead-based paints and coatings." The MacGregor assets were purchased by Cyanamid to augment the heat stabilizer and PVC additive business of Cyanamid's Organic Chemicals Division.

In 1986, Cyanamid sold substantially all of the assets it acquired from MacGregor to AI Acquisition Inc. In 1993, Cyanamid transferred substantially all of the remaining assets of its chemical business to a new corporation, Cytec Industries Inc., the stock of which was then transferred to Cyanamid's shareholders as a dividend.

Interrogatory No. 5:

Please state the inclusive dates that defendant, either individually or through its corporate predecessors, produced and sold white lead for use in paint in the United States.

Response to Interrogatory No. 5:

See General Objections Nos. 2 and 4. Cyanamid further objects to this interrogatory on the ground that it is vague and ambiguous insofar as it purports to seek information concerning "white lead," an undefined term that could refer to more than one compound (such as basic lead carbonate or white lead-in-oil). Cyanamid also objects to this interrogatory on the ground that, upon information and belief, certain substances known as "white lead" (such as basic lead carbonate) were not limited in potential application to use in paint, but were marketed and sold for other applications, including that of a heat stabilizer for PVC. Without waiving the foregoing objections, Cyanamid states that (1) it maintains no systematic records concerning production of substances known as "white lead" by MacGregor, and (2) documents discovered by Cyanamid after a diligent search of its books and records indicate that MacGregor may have produced and sold substances known as "white lead" during the 1937 - 1971 time period.

Interrogatory No. 6:

Has defendant, either individually or through its corporate predecessors, reported to any federal agency its respective percentage of the market share of lead pigment production in the United States for any one of the years encompassing 1906-1961?

Response to Interrogatory No. 6:

See General Objections Nos. 2, 3 and 4. Cyanamid further objects to this interrogatory on the ground that it requests information that can be found in publicly available sources (through Freedom of Information Act requests) and thus is readily accessible to plaintiffs. Cyanamid also objects to this interrogatory on the grounds that it is vague and ambiguous, and that it requests information that is not relevant to the subject matter of this lawsuit. Without waiving the foregoing objections, Cyanamid states that after a diligent search of its books and records it has been unable to locate records of any reports to federal agencies regarding U.S. market share of lead pigments (as defined at Amended Complaint ¶ 23) held by MacGregor for the period specified by this interrogatory.

Interrogatory No. 7:

If the answer to Interrogatory No. 6 is in the affirmative for any of the years encompassing 1906-1961, for each year

- (a) please identify the federal agency that defendant reported to; and

- (b) please list the percentage of the lead pigment market, by individual year, that defendant reported to any federal agency.

Response to Interrogatory No. 7:

See Response to Interrogatory No. 6.

Interrogatory No. 8:

Has defendant, either individually or through its corporate predecessors, maintained any records that would reflect the quantity of lead pigment it produced and sold in the United States during any one of the respective years defendant produced and/or sold lead pigment?

Response to Interrogatory No. 8:

See General Objections Nos. 2, 3, 4 and 7.

Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous, and that it requests information that is not relevant to the subject matter of this lawsuit. Without waiving the foregoing objections, Cyanamid states that it maintains no systematic records concerning production and sale of lead pigments (as defined at Amended Complaint ¶ 23) by MacGregor.

Interrogatory No. 9:

If the answer to Interrogatory No. 8 is in the affirmative for any of the years defendant produced and/or sold lead pigment, please list in chart form the year of production and sale of lead pigment and the corresponding quantity produced and sold. Please structure chart as follows:

<u>YEAR</u>	<u>QUANTITY OF LEAD PIGMENT PRODUCED AND/OR SOLD IN UNITED STATES BY DEFENDANT</u>
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Response to Interrogatory No. 9:

See General Objections Nos. 2, 3, 4 and 7.

Cyanamid further objects to this interrogatory on the grounds that it seeks information neither relevant to the issues in this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, see Response to Interrogatory No. 8.

Interrogatory No. 10:

Do you have any records that would reflect what percentage of the lead pigment market defendant, either individually or through its corporate predecessors, held in relation to its competitors in the lead pigment market for the time frame defendant produced and/or sold lead pigment in the United States?

Response to Interrogatory No. 10:

See General Objections Nos. 2, 3 and 4. Without waiving the foregoing objections, See Response to Interrogatory No. 8.

Interrogatory No. 11:

If the answer to Interrogatory No. 10 is in the affirmative for any of the years defendant produced and/or sold lead pigment, please list in chart form the year and the corresponding percentage of the lead pigment marked held by defendant.

Response to Interrogatory No. 11:

See Response to Interrogatory No. 10.

Interrogatory No. 12:

Did defendant, either individually or through its corporate predecessors, either market or sell lead pigment under any trade name, brand name, or logo (such as "Dutch Boy White Lead")?

Response to Interrogatory No. 12:

See General Objections Nos. 2, 3 and 4. Without waiving the foregoing objections, Cyanamid states that (1) it maintains no systematic records concerning production and/or sale of lead pigments (as defined at Amended Complaint ¶ 23) by MacGregor, and (2) documents discovered by Cyanamid after a diligent search of its books and records indicate that MacGregor may have marketed and/or sold one or more lead pigments (as defined at Amended Complaint ¶ 23) under the SCOTCH LADDIE trademark.

Interrogatory No. 13:

If the answer to Interrogatory No. 10 is in the affirmative, please identify the trade name, brand name, or logo of lead pigment product(s) sold by defendant and the corresponding years defendant sold each lead pigment product.

Response to Interrogatory No. 13:

See Response to Interrogatory No. 12.

Interrogatory No. 14:

Please describe how the lead pigment products identified in response to Interrogatory Nos. 5, 12, or 13 were packaged and sold. (For example, did they come in a 10 pound bag or a 5 gallon can.)

Response to Interrogatory No. 14:

See General Objections Nos. 3, 4 and 7. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate non-privileged records describing in any detail the packaging of lead pigments (as defined at Amended Complaint ¶ 23) by MacGregor.

Interrogatory No. 15:

Please describe what markings or labels were affixed to the packaging of the lead pigment products sold by defendant, either individually or through its corporate predecessors.

Response to Interrogatory No. 15:

See General Objections Nos. 2, 3 and 4. See also Response to Interrogatories Nos. 12, 13 and 14.

Interrogatory No. 16:

Did defendant, during the time frame it produced and/or sold lead pigment products in the United States, conduct or sponsor any survey to determine how many painters were using lead pigment products produced and sold by defendant?

Response to Interrogatory No. 16:

See General Objections Nos. 3 and 4. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate any records relating to surveys conducted by

MacGregor in connection with the use by painters of lead pigments (as defined at Amended Complaint ¶ 23).

Interrogatory No. 17:

During the time frame that defendant produced or sold lead pigment products containing white lead, did this product produced or sold by defendant contain any particular physical or chemical composition that would distinguish it from white lead products sold by competitors?

Response to Interrogatory No. 17:

See General Objections Nos. 3, 4 and 7. Cyanamid further objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad and unduly burdensome.

Interrogatory No. 18:

If the answer to Interrogatory No. 17 is in the affirmative, please identify the distinguishing physical or chemical composition.

Response to Interrogatory No. 18:

See Response to Interrogatory No. 17.

Interrogatory No. 19:

During the time frame that defendant, either individually or through its corporate predecessors, produced or sold lead pigments containing white lead, what was the chemical composition of these products? Please specify if the chemical composition changed during any part of the time frame defendant marketed or sold these products.

Response to Interrogatory No. 19:

See General Objections Nos. 2, 3 and 4. See also Response to Interrogatories Nos. 17 and 18.

Interrogatory No. 20:

Was defendant, or its predecessor companies, ever a member of the Lead Industry Association, Inc.?

Response to Interrogatory No. 20:

See General Objections Nos. 1, 4 and 7. Without waiving the foregoing objections, Cyanamid states that (1) it maintains no records relating to the membership of MacGregor in the LIA, and (2) after a diligent search of its books and records, Cyanamid is unable to determine whether or not MacGregor was a member of the LIA.

Interrogatory No. 21

If the answer to Interrogatory No. 20 is in the affirmative, please specify the inclusive years of its membership.

Response to Interrogatory No. 21:

See Response to Interrogatory No. 20.

Interrogatory No. 22:

Was defendant, or its predecessor companies, ever a member of the National Paint Varnish & Lacquer Association?

Response to Interrogatory No. 22:

See General Objections Nos. 1 and 4. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it is unable to determine whether or not MacGregor was a member of the NPVLA.

Interrogatory No. 23:

If the answer to Interrogatory No. 22 is in the affirmative, please specify the inclusive years of membership and the class of membership held (ex., Class "A", Class "B", etc.).

Response to Interrogatory No. 23:

See Response to Interrogatory No. 22.

Interrogatory No. 24:

From either a review of internal records or personal knowledge of corporate personnel, please state the year defendant, either individually or through its corporate predecessors, was first aware of reported cases of childhood lead poisoning.

Response to Interrogatory No. 24:

See General Objections Nos. 2 and 4. Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous in its use of the term "childhood lead poisoning." Cyanamid also objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information not relevant to the subject matter of this lawsuit. Without waiving the foregoing objections, Cyanamid states that after a diligent search of its books and records, it has been unable to locate any documents that relate to the knowledge of MacGregor of "reported cases of childhood lead poisoning."

Interrogatory No. 25:

What year did defendant first become aware that white lead may be hazardous to human health if inhaled or ingested?

Response to Interrogatory No. 25:

See General Objection No. 4. Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous insofar as it purports to seek information concerning "white lead," an undefined term that could refer to more than one compound (such as basic lead carbonate or white lead-in-oil). Cyanamid also objects to this interrogatory on the grounds that it is overly broad, burdensome, and seeks information not relevant to the subject matter of this lawsuit insofar as it seeks information regarding substances known as "white lead" that were marketed and sold for applications other than as use as a pigment. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate any documents that relate to the knowledge of MacGregor regarding the alleged hazards associated with ingestion of "white lead."

Interrogatory No. 26:

What year did defendant first become aware of the potential adverse health effects of white lead?

Response to Interrogatory No. 26:

See Response to Interrogatory No. 25.

Interrogatory No. 27:

During the time frame that defendant marketed or sold products containing white lead, did it ever place a warning label cautioning against using white lead on surfaces or in places that may be accessible to children?

Response to Interrogatory No. 27:

See General Objection No. 4. Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous insofar as it purports to seek information concerning "white lead," an undefined term that could refer to more than one compound (such as basic lead carbonate or white lead-in-oil). Cyanamid also objects to this interrogatory on the grounds that it is overly broad, burdensome, and seeks information not relevant to the subject matter of this lawsuit insofar as it seeks information regarding substances known as "white lead" that were marketed and sold for applications other than as use as a pigment. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate any documents that relate to warnings that accompanied lead pigments (as defined at Amended Complaint ¶ 23) produced and/or sold by MacGregor.

Interrogatory No. 28:

During the time frame that defendant marketed or sold products containing white lead, did it ever send out any instructions or bulletins accompanying the sale of white lead cautioning against using white lead on surfaces or in places that may be accessible to children?

Response to Interrogatory No. 28:

See General Objection No. 4. Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous insofar as it purports to seek information concerning "white lead," an undefined term that could refer to more than one compound (such as basic lead carbonate or white lead-in-oil). Cyanamid also objects to this interrogatory on the grounds that it is overly broad, burdensome, and seeks information not relevant to the subject matter of this lawsuit insofar as it seeks information regarding substances known as "white lead" that were marketed and sold for applications other than as use as a pigment. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate any "instructions or bulletins" relating to the production and/or sale of lead pigments by MacGregor.

Interrogatory No. 29:

During the time frame after defendant ceased marketing or selling products containing white lead, up through 1993, the date of the injuries complained of herein,

did defendant ever disseminate any information through the news media or its customers advising of the potential health effects of lead paint if ingested or inhaled by children?

Response to Interrogatory No. 29:

See Response to Interrogatory No. 27 & No. 28; see also General Objection No. 5.

Interrogatory No. 30:

During the time defendant marketed and sold white lead, did it run any advertisements promoting the use of white lead?

Response to Interrogatory No. 30:

See General Objection No. 4. Cyanamid further objects to this interrogatory on the grounds that it is vague and ambiguous insofar as it purports to seek information concerning "white lead," an undefined term that could refer to more than one compound (such as basic lead carbonate or white lead-in-oil). Cyanamid also objects to this interrogatory on the grounds that it is overly broad, burdensome, and seeks information not relevant to the subject matter of this lawsuit insofar as it seeks information regarding substances known as "white lead" that were marketed and sold for applications other than as use as a pigment. Without waiving the foregoing objections, Cyanamid states that, after a diligent search of its books and records, it has been unable to locate any records relating to

advertisements for lead pigments (as defined at Amended Complaint ¶ 23) run by MacGregor.

Interrogatory No. 31:

If the answer to Interrogatory No. 30 is in the affirmative, please list the names of the magazines and trade journals in which defendant advertised the use of white lead.

Response to Interrogatory No. 31:

See Response to Interrogatory No. 30.

Interrogatory No. 32:

Did defendant help finance any campaigns promoting the use of lead paint?

Response to Interrogatory No. 32:

See General Objections Nos. 4 and 5.

Interrogatory No. 33:

If the answer to Interrogatory No. 32 is in the affirmative, please identify the campaign, the dates defendant participated in the campaign and the amounts of monies contributed by defendant.

Response to Interrogatory No. 33:

See Response to Interrogatory No. 32.

Interrogatory No. 34:

Did defendant market or sell any paint products containing the following ingredients:

- (a) zinc oxide;

- (b) lithophone;
- (c) titanium dioxide.

Response to Interrogatory No. 34:

See General Objections Nos. 4 and 5.

Interrogatory No. 35:

If the answer to any portion of Interrogatory No. 34 is in the affirmative, please identify the paint product and specify the corresponding date it was first manufactured and sold?

Response to Interrogatory No. 35:

See Response to Interrogatory No. 34.

Interrogatory No. 36:

What was the year defendant first sold a lead-free paint product? Please identify the name of the paint product and corresponding year it was first sold.

Response to Interrogatory No. 36:

See General Objections Nos. 4 and 5.

Interrogatory No. 37:

For the time frame 1920-1970, did defendant, either individually or through its corporate predecessors, have any offices, manufacturing plants, or stores in Buffalo for the production or sale of household paint products?

Response to Interrogatory No. 37:

See General Objections Nos. 2, 4 and 5.

Interrogatory No. 38:

If the answer to Interrogatory No. 37 is in the affirmative, please list the locations by name, address, and corresponding dates.

Response to Interrogatory No. 38:

See Response to Interrogatory No. 37.

Interrogatory No. 39:

For the time frame 1920-1970, did defendant have any distributors of its household paint products in the Buffalo region?

Response to Interrogatory No. 39:

See General Objections Nos. 4 and 5.

Interrogatory No. 40:

If the answer to Interrogatory No. 39 is in the affirmative, please list the locations by name and address of each distributor and the corresponding years each was a distributor.

Response to Interrogatory No. 40:

See Response to Interrogatory No. 39.

Interrogatory No. 41:

For the years 1920-1970, does defendant have any records of sales of lead-based household paint products to Buffalo sales offices or distributorships?

Response to Interrogatory No. 41:

See General Objections Nos. 4 and 5.

Dated: New York, New York
October 13, 1994

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SUPREME COURT OF THE STATE OF NEW YORK
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AMERICAN CYANAMID COMPANY, Successor :
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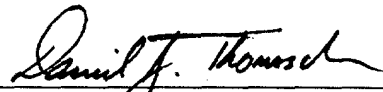
STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

DANIEL J. THOMASCH, being duly sworn, deposes and says:

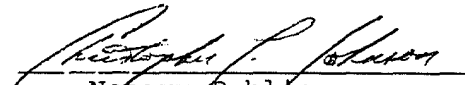
1. I am a member of the bar of the State of New York,
and the firm Donovan Leisure Newton & Irvine, attorneys for
defendant American Cyanamid Company ("Cyanamid") in this action.

I am making this verification on behalf of Cyanamid pursuant to CPLR § 3020(d)(3) because Cyanamid is a foreign corporation.

2. I have read the foregoing DEFENDANT AMERICAN CYANAMID COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES, and I am informed and believe that the responses stated therein are true.


Daniel J. Thomasch

Sworn to before me this
13 th day of October, 1994


Notary Public

CHRISTOPHER P. JOHNSON
Notary Public, State of New York
No. 4941265
Qualified in Westchester County
Commission Expires August 1, 1998