

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO



ANTHONY MARIO GRECO et al.,	:	CASE NOS. 323629-323678
	:	(HANNA, J.)
Plaintiffs,	:	
	:	
vs.	:	IN RE: ALL BARON & BUDD
	:	ASBESTOS CASES
A-BEST PRODUCTS COMPANY, et al.,	:	
	:	
Defendants.	:	

**BEAZER EAST, INC.'S AMENDED ANSWERS TO
PLAINTIFFS' MASTER SET OF INTERROGATORIES**

Defendant Beazer East, Inc. ("Beazer East") responds to Plaintiffs' Master Set Of Interrogatories Propounded To Defendant Beazer East, Inc. as follows:

GENERAL OBJECTIONS

1. Beazer East objects to plaintiffs' definitions of "Defendant, "You," "Your Company," "Predecessors," and "Subsidiaries" to the extent that those definitions require Beazer East to respond more broadly than is required by Rule 26 of the Ohio Rules of Civil Procedure.
2. Beazer East objects to each of the interrogatories to the extent that the request calls for the disclosure of privileged communications or attorney work product.
3. Beazer East objects to each interrogatory to the extent that the request seeks information unrelated to any of the plaintiffs in the Butler County, Ohio, asbestos litigation, in that such a request is overbroad, and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.
4. Beazer East objects to each and every interrogatory or subpart in excess of the maximum number of interrogatories permitted by the Ohio Rules of Civil Procedure.

Without waiving any of the foregoing objections, Beazer East answers the interrogatories.

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER: Mary Dombrowski Wright, Esq., Litigation Manager, Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA. Ms. Wright began work at Beazer East on April 8, 1985, as a staff attorney in the Legal Department. She was promoted to her current position as Litigation Manager in June 1988.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER: All documents used in responding to these interrogatories will be provided to plaintiffs.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio;
- (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has

been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

- (a) Beazer East, Inc.
- (b) Delaware
- (c) One Oxford Centre, Suite 3000, Pittsburgh, PA 15219
- (d) CT Corporation
- (e) Not applicable

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- a. if defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- b. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- c. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- d. the date of each such acquisition;
- e. the state in which each such acquisition was effected;
- f. the state law governing each such acquisition if specified by contract;

- g. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- h. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER: (a)-(g) Koppers Company, Inc. was incorporated in Delaware in 1944. Contemporaneous with the incorporation, Koppers Company (Penna), incorporated in 1915, was merged into the company. On June 16, 1988, BNS, Inc. ("BNS"), a Delaware corporation and an indirect wholly-owned subsidiary of Beazer PLC, acquired indirectly more than 90% of the outstanding common stock of Koppers Company, Inc. On November 14, 1988, BNS acquired indirectly the balance of the common shares. On January 26, 1989, the name of Koppers Company, Inc., was changed to Beazer Materials and Services, Inc. ("BM&S"). On April 16, 1990, BM&S changed its name to Beazer East, Inc.

(h) Beazer East will provide any existing documents relating to the above-stated transactions.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- a. the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- b. the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- c. the date of each such acquisition;
- d. the state in which each such acquisition was effected;

- e. the state law governing each such acquisition if specified by contract;
- f. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- g. whether the acquisition concerned asbestos-containing products.

ANSWER: See Interrogatory No. 3 above.

4.1 For each corporation, other than the answering defendant ("the entity"), that has at any time in the past been involved in the placing of asbestos containing products into the stream of commerce for which officers of the answering defendants corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- a. the name of the entity involved in the placing of asbestos products into the stream of commerce;
- b. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- c. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name;
- d. the name, positions and a brief description of the responsibilities of the person or persons serving the answering defendant and the entity simultaneously including the positions held with the entity and with the answering defendant.

ANSWER: Beazer East objects to the interrogatory in that it is not reasonably calculated to lead to the discovery of any admissible evidence in any of the cases for which this discovery is being conducted.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendants predecessor, or Defendants subsidiary);

- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
1. The trade or brand name.
 2. Its identification number (model, serial number, etc.).
 3. The time period it was manufactured, mined, marketed, distributed or sold.
 4. Its physical description including color, general composition, and form.
 5. A detailed description of its intended use and purpose.
 6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 7. The percent of asbestos which it contained.
 8. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER: Beazer East objects in that the interrogatory is so vague and overbroad as to make a complete answer unduly burdensome on the responding party.

Beazer East further objects in that the interrogatory seeks information unrelated to any of the plaintiffs in this asbestos litigation and thus not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objections, the Engineering and Construction Division of Koppers Company (the "E&C Division") never manufactured any asbestos containing product. The E&C Division provided design and construction services for the erection of steel-making facilities, including coke oven batteries, basic oxygen furnaces and the like. While E&C Division employees installed asbestos containing products during initial construction, those products were manufactured by other companies, and it was the E&C Division's ordinary practice that the customer, rather than the E&C Division, would furnish the materials for incorporation into the structure, even on initial construction. As permitted by Civil Rule 33 (C), copies of the contracts between the E&C Division and the ARMCO Steel Middletown and Hamilton plants were previously provided to plaintiffs' counsel in conjunction with the Butler County asbestos litigation. If counsel desires further copies, Beazer East will make those available to plaintiffs. Further, Beazer East will provide such further E&C Division contracts as plaintiffs may request for individual plaintiffs on a case-by-case basis. With respect to the Koppers Company Roofing Products division, a listing of the Koppers Roofing products that contained asbestos, as well as descriptions of the products and their asbestos content and a product announcement issued by Koppers Company relating to asbestos in roofing products, were also previously provided to plaintiffs' counsel in conjunction with the Butler County asbestos litigation. Again, if counsel desires further copies, Beazer East will make those available to plaintiffs.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

ANSWER: No.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER: All such products were altered to eliminate the use of asbestos.

A listing of the Koppers Roofing products that contained asbestos, as well as descriptions of the products and their asbestos content and a product announcement issued by Koppers Company relating to asbestos in roofing products, were previously provided to plaintiffs' counsel in conjunction with the Butler County asbestos litigation. If counsel desires further copies, Beazer East will make those available to plaintiffs.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.

- (b) The names and address of Defendants distributors in Ohio and Illinois since 1940.
- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER: No.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.
- (f) Not applicable.
- (g) Not applicable.

8.01 Has this defendant ever purchased asbestos containing products from any other defendant?

ANSWER: Yes. Beazer East purchased roofing felt at various times from Carey, GAF, and Celotex.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each defendant from whom this defendant purchased any asbestos containing product;

- (b) list each product purchased from each co-defendant:
- (c) list the dates of each purchase of asbestos-containing products from each co-defendant.

ANSWER:

- (a) Carey, GAF Corporation, Celotex Corp.
- (b) Roofing felt
- (c) Koppers Roofing Division did not have fixed contracts with the suppliers. Rather, Beazer East bought felt on an "as needed" basis for one of the three companies. Koppers Roofing Division sold tar-saturated roofing felt containing asbestos from 1964 until 1985.

8.03 Has this defendant ever sold asbestos containing products to any other defendant?

ANSWER: Objection. the term "defendant" is so vague as to make a complete answer unduly burdensome on Beazer East. Without waiving the objection, Koppers Roofing Division did not distribute its products to other manufacturers.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each defendant to whom this defendant sold any asbestos containing product;
- (b) list each product sold to each co-defendant;
- (c) list the dates of each sale of asbestos-containing products to each co-defendant.

ANSWER: See objection and answer to interrogatory no. 8.03.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing

products for use in connection with temperatures above 125' Fahrenheit since 1930. If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product including size, shape, color and texture.

ANSWER: No.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the products trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

ANSWER: No.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto. If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Please state which of Defendants asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER: Beazer East has no records reflecting any sales of Koppers roofing felt to any of the named sites.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A.

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant, to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Please identify all documents relating to the sales to each such company.

ANSWER: Beazer East knows of no company that may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 at any of the sites listed.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER: Beazer East no longer maintains sales records from the Koppers Roofing Products Division, and thus is unable to respond to interrogatory no. 8.3 regarding what companies may have sold Koppers roofing felt in Ohio during the specified period.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER: No. See answer to interrogatory no. 8 above.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

ANSWER: The Koppers E&C Division did not have any sales representatives. Because of the limited number of companies like Koppers Company that undertook construction and improvements to steel mills, customers solicited Koppers Company for bids, rather than Koppers soliciting business. As a result, Koppers Company

has no sales representatives who called on any of the listed sites from 1945-1975. Further, Beazer East no longer maintains sales records from the Koppers Roofing Products Division, and thus is unable to respond to interrogatory no. 8.3 regarding what companies may have sold Koppers roofing felt in Ohio during the specified period.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER: Objection. The interrogatory is so vague and overbroad as to make a complete answer unduly burdensome on Beazer East. Without waiving the objection, the Koppers E&C Division did not have any sales representatives. Because of the limited number of companies like Koppers Company that undertook construction and improvements to steel mills, customers solicited Koppers Company for bids, rather than Koppers soliciting business. As a result, Koppers Company has no sales representatives who called on any of the listed sites from 1945-1975. Further, Beazer East no longer maintains sales records from the Koppers Roofing Products Division, and thus is unable to respond to interrogatory no. 9.1 regarding what companies may have sold Koppers roofing felt in Ohio during the specified period.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and

(c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A, from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:

- (1) The dates of such contracts;
- (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER: Beazer East objects to the interrogatory in that the term "applying" is so vague and ambiguous as to make a complete answer unduly burdensome on the responding party. Without waiving the objection:

- (a) No
- (b) Not applicable.
- (c) Not applicable.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER: Beazer East objects to the interrogatory in that the term "applying" is so vague and ambiguous as to make a complete answer unduly burdensome on the responding party. Without waiving the objection, no.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: Koppers roofing felts were manufactured on a contract basis by other companies, and were saturated by Koppers at its plants in Youngstown, Ohio, Woodward, Alabama, and Cicero, Illinois during the dates listed on the Roofing Product

sheet provided to plaintiffs' counsel in conjunction with the Butler County asbestos litigation. If counsel desires further copies of the sheet, Beazer East can make the documents available to plaintiffs.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) the purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER: No.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- (a) the same of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;

- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

- (a) Koppers Company E&C Division.
- (b) Incorporated 1944.
- (c) Major engineering, design, construction and improvement projects.
- (d) Koppers employees at various construction sites installed asbestos containing products supplied by the client as part of the construction or improvement.
- (e) Koppers did not supply asbestos products. Materials were purchased by the owner of the site to be used in construction by Koppers employees. Beazer East has no records reflecting the names or manufacturers of any asbestos products installed in any of the listed sites.
- (f) Koppers did work at numerous sites over a period of more than forty years. Beazer East will provide upon request such contract records as are maintained by the company for any site at which one of the named plaintiffs worked.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER: No. Photo copies of package labels were previously provided to plaintiffs counsel in response to discovery in the Butler County asbestos litigation. Further copies will be provided upon request.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER: Unknown.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

ANSWER: Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product were produced to plaintiffs' counsel in response to interrogatories in the Butler County asbestos litigation. Beazer East refers to those manuals, as permitted by Civil Rule 33(C). Beazer East will make available additional copies of the manuals for plaintiffs to photocopy upon request.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER: None of the Koppers Company roofing products that contained any asbestos fiber created any dust in any foreseeable use or application.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

(a) Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product were produced to plaintiffs' counsel in response to interrogatories in the Butler County asbestos litigation. Beazer East refers to those manuals, as permitted by Civil Rule 33(C). Beazer East will make available additional copies of the manuals for plaintiffs to photocopy upon request. Beazer East is continuing to investigate for any further documents and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

(b) Mary Dombrowski Wright, Esq. Plaintiffs have copies.

(c) Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information

Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;

- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

23: Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia

asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof. If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;

- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about corporate knowledge are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East has recently sent plaintiff copies

of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about corporate knowledge are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER: Koppers Company employed Donald McGraw, M.D., from 1982 until 1988. Dr. McGraw's duties included dealing with asbestos issues as they related to Koppers employees.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER: Koppers Company employed Donald McGraw, M.D., from 1982 until 1988. Dr. McGraw's duties included dealing with asbestos issues as they related to Koppers employees.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and,

if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: Beazer East has no documents reflecting any recommendations by Dr. McGraw regarding asbestos.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER: Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about corporate knowledge are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing, or received literature or correspondence from the Mellon Institute.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being

summarized, and Beazer East will supplement this answer upon completion of that process.

Beazer East has no knowledge of ever receiving literature from the Mellon Institute.

30.2 Has any engineer, industrial hygienist or physician in your employ been a member in any professional group, trade group or any of the following groups:

Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association

If the answer is yes, state the following:

- (a) The name of the group or groups in which the individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years the individual(s) were members of the groups;
- (d) Whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER:

(a) Koppers Company was a member of the Industrial Hygiene Foundation from 1949 until the early 1980's. Beazer East further believes that some Koppers Company employees individually may have been members of the Industrial Health Foundation.

(b) Koppers Company was a corporate member of the Industrial Hygiene Foundation. Beazer East does not know the identities of any of the employees who may have been members of the Industrial Health Foundation.

(c) See (a) above.

(d) Unknown.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER: No testing was ever performed on non-Koppers employees.

32. For each test described in Interrogatory No. 3 1, please give the name of the person conducting the test the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER: Not applicable.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER: Koppers Company was generally aware of threshold limit values, maximum allowable concentrations and permissible exposure limits as they were published and changed by the Federal and state governments from the incorporation of the company in 1944. Koppers Company was first specifically advised of TLV's issued by the ACGIH in the mid-1980's when Koppers was first brought into asbestos litigation.

33.1 State whether this defendant at any time caused to be conducted on any job site; any air sampling, dust counts, tests or other activities to determine air quality or worker safety. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER: Beazer East objects to the argumentative nature of the Interrogatory. Without waiving the objection, Beazer East has recently sent plaintiff copies of the depositions of former Koppers Company employees Dr. Donald McGraw, Mr. Charles Flickenger, Mr. Drew Bachman, Ms. Elizabeth Lyle and Mr. Lee Allison, all taken in the West Virginia asbestos litigation. Their responses to questions about testing are the only information Beazer East has available to it on that issue. The depositions are being summarized, and Beazer East will supplement this answer upon completion of that process.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER: No.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER: No.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER: Beazer became aware of this article only due to its involvement in asbestos litigation in the mid-1980's.

36.1 Did you ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER: Beazer East objects to the interrogatory in that it is argumentative, assuming without foundation that Beazer East or Koppers Company ever manufactured a dust-producing product, or that any product manufactured by Beazer East or Koppers Company was in any way hazardous. Without waiving the objection, no.

36.2 Did you ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER: No.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: No.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER: Not applicable.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER: Beazer East objects to the Interrogatory in that it is so vague and ambiguous as to make a complete answer possible. Beazer East further objects to the

Interrogatory in that it incorrectly assumes that the responding party had knowledge or input into articles to be included in any of hundreds of trade journals.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER: No.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER: Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product were produced to plaintiffs' counsel in response to interrogatories in the Butler County asbestos litigation. Beazer East refers to those manuals, as permitted by Civil Rule 33(C). Beazer East will make available additional copies of the manuals for plaintiffs to photocopy upon request. Beazer East is continuing to investigate for any further documents and will supplement this response in accordance with the Ohio Rules of Civil Procedure.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared,
- (d) The media used to disseminate the sales material.

ANSWER:

(a) Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product were produced to plaintiffs' counsel in response to interrogatories in the Butler County asbestos litigation. Beazer East refers to those manuals, as permitted by Civil Rule 33(C). Beazer East will make available additional copies of the manuals for plaintiffs to photocopy upon request. Such Manuals were provided upon request to purchasers and prospective purchasers of Koppers roofing products. No other sales materials were produced. The names of the persons who produced the Manuals are not known.

(b) Mary Dombrowski Wright, Esq., Litigation Manager, Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219.

(c) The years in which the manuals were published are listed on the manual.

(d) Print.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A. If so, please state the following:

- (a) The name, address and job classification of each person who prepared
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

(a) Unknown.

(b) Mary Dombrowski Wright, Esq., Litigation Manager, Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219.

(c) Copies of Koppers Company's Specifications Manuals for Built-Up Roofing Products describing the use and application of each roofing product were produced to plaintiffs' counsel in response to interrogatories in the Butler County asbestos litigation. Beazer East refers to those manuals, as permitted by Civil Rule 33(C). Beazer East will

make available additional copies of the manuals for plaintiffs to photocopy upon request. Such Manuals were provided upon request to purchasers and prospective purchasers of Koppers roofing products. No other sales materials were produced. The names of the persons who produced the Manuals are not known.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

ANSWER: No.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER: Beazer East has not alleged and does not intend to contend in this litigation that asbestos-containing products can be manufactured so as to eliminate all potential health hazards.

- (a) Not applicable.

- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: Beazer East objects to the Interrogatory to the extent that it assumes that products listed in response to Interrogatory No. 5 were also sold to any of the plants listed. Without waiving the objection, Beazer East has no record of any sale of any roofing product to any of the listed sites.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimants name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: No.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER: A copy of the memorandum issued by Koppers Company regarding the cessation of use of asbestos in roofing felt was provided to plaintiffs' counsel in response to discovery in the Butler County, Ohio, asbestos litigation. Beazer East knows of no other documents relating to that decision. If counsel desires another copy of the memorandum, Beazer East will provide it upon request.

47.2 Has any person or company from which you purchased asbestos containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;
- (b) the name of the company which issued the recall;
- (c) a copy of the recall.

ANSWER: Beazer East knows of no such recalls.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER: Beazer East objects to the interrogatory in that it assumes Beazer East had some duty to persons other than its own employees and former employees to minimize risks associated with the manufacture of asbestos products. Beazer East further objects to the interrogatory to the extent that it seeks information about steps Beazer East has taken with respect to its own employees, since none of the name plaintiffs, to Beazer East's knowledge, have ever been employed by Koppers Company or Beazer East in the production of roofing felt.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;

- (d) state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER: Beazer East objects to the interrogatory on the grounds that it is so vague and overbroad as to be unintelligible. Beazer East further objects to the interrogatory to the extent it is argumentative in assuming that Beazer East has some duty to minimize risks to non-Beazer employees from the use of any other company's products installed by companies other than Beazer East. Without waiving the objections, Beazer East has ceased producing any asbestos-containing roofing felt, and has followed all federal and state regulations relating to the installation or removal of asbestos materials at job sites.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;.
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER: No.

48.1 Describe the method by which you have maintained records concerning the manufacturer, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tearout which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER: Koppers Company did not differentiate between asbestos-containing and non-asbestos-containing products in its records keeping. Beazer East's record keeping methods are generally described in the company's Records Retention Manuals, which are available for review at the offices of Baker & Hostetler LLP in Cleveland, Ohio, during normal working hours on a mutually convenient date.

(a)-(d) To the extent that these subparts request information specifically related to asbestos-containing products, the subsections are not applicable. To the extent these subsections refer to records keeping in general, Beazer East refers to the Records Retention Manuals addressed above.

(e) Mr. Tom Kasunich was employed as Corporate Records Administrator from 1985 until March 1, 1996. From March 1, 1996 to present, Mary D. Wright, Esq., has been the custodian of records. Prior to 1985, Koppers Company had no designated Records Custodian.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER: Beazer East objects in that the interrogatory is not limited to any period of time, and thus is so overbroad as to make a complete answer unduly burdensome. without waiving the objection, Koppers Company did not differentiate between asbestos-containing and non-asbestos-containing products in its records keeping. Corporate records may have been destroyed in the normal course of business in accordance with corporate records retention policies, as set forth the Records Retention Manuals referenced in response to interrogatory no. 48.1 above. However, Beazer East does not keep records in such a manner as to determine what, if any, relevant material may have been discarded.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

- (a) No.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

- (a) No.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.
- (e) Not applicable.

49. Has Defendant obtained statement from any witnesses including the Plaintiffs?

If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER: Other than duly noticed depositions, Beazer East has taken no witness statements.

(a) Not applicable.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER: Beazer East has no knowledge of any product set out in response to Interrogatory No. 5 being sold to or used at any of the plants listed by plaintiff. However, Beazer East reserves its right to assert the defense of product misuse if it is determined at a later date that one or more of the plaintiffs claims an asbestos injury as a result of using Koppers roofing products.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER: Beazer East objects to the Interrogatory in that it is premature and that insufficient discovery has taken place to require a response. Without waiving the objection:

(a) Beazer East reserves its right to assert that other substances, including but not limited to tobacco, caused the plaintiff's or decedent's injuries. Beazer East will supplement this response in accordance with the Ohio Rules of Civil Procedure.

(b) Beazer East reserves it right to assert that other substances, including but not limited to tobacco, caused the plaintiff's or decedent's injuries. Beazer East will supplement this response in accordance with the Ohio Rules of Civil Procedure.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: Beazer East objects to the Interrogatory in that it is argumentative and assumes facts not in evidence. The products listed in response to Interrogatory No. 5 are all non-friable and the asbestos fibers contained therein are encapsulated. Beazer East further objects in that Beazer East is unaware of the sale of any of the products listed in Interrogatory No. 5 to any of the plants listed by plaintiffs, and thus the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, last known address;

- (b) The subject matter on which the expert is expected to testify;
- (c) The experts specific conclusion, and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER: Yes.

(a)-(e) Beazer East has not yet identified the experts it expects to call at the time of trial in any of these cases. Beazer East will provide reports and/or C.V.'s for each expert in accordance with the Ohio Rules of Civil Procedure, the Local Rules of Court, and this Court's Case Management Order.

(f) None at this time.

(g) Beazer East has not yet identified the experts it expects to call at the time of trial in any of these cases. Beazer East will provide reports and/or C.V.'s for each expert in accordance with the Ohio Rules of Civil Procedure, the Local Rules of Court, and this Court's Case Management Order.

54. Please state the name and last know address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER: Beazer East has not yet identified the experts it expects to call at the time of trial in any of these cases. Beazer East will provide reports and/or C.V.'s for each expert in accordance with the Ohio Rules of Civil Procedure, the Local Rules of Court, and this Court's Case Management Order.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER: Beazer East is not contesting service of process for any cases filed in Cuyahoga County, Ohio, to date.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

- (a) the facts upon which the answering defendant relies for each and every affirmative defense;
- (b) each and every document which will be offered to prove each and every affirmative defense; and
- (c) each and every witness who will testify in support of each and every affirmative defense.
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER: Beazer East has asserted its affirmative defenses to preserve them until such time as adequate discovery can be conducted for each plaintiff to whom these interrogatories apply. Beazer East will supplement this response for each plaintiff upon the completion of sufficient discovery to determine the plaintiff's actual work history and exposure to asbestos products.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: Yes. A table of coverages was previously provided to plaintiff's counsel in response to discovery in the Butler County, Ohio, asbestos litigation. Another copy will be provided upon request.

56.1 Have you ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;
- (b) whether you were plaintiff or defendant;
- (c) a brief statement of the issues;
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER: Beazer East has not initiated any litigation relating to insurance coverage for asbestos products liability claims.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER:

Bill Ice, 405 Hunter Drive, Pittsburgh, PA 15237 (E&C Div.)

Drew Bachman, Koppers Industries, Inc., 436 Seventh Ave., Pittsburgh, PA 15219 (roofing products)

Beazer East further reserves the right to supplement this response and identify such other witnesses as may be appropriate for individual plaintiffs' claims.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER: December 31, 1985.



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Attorneys for Defendant Beazer East, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing pleading was served upon the following counsel, by regular U.S. mail, postage prepaid, this 14th day of October 1997, and notice of same was sent to all counsel of Record/Defendant Corporations whose addresses are known to me.

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Attorney for Plaintiffs


One Of the Attorneys for Defendant
Beazer East, Inc.