

**PLAINTIFF'S
EXHIBIT**

U-487

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

IN RE: ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH
CASES FILED OR TO BE FILED
BY BARON & BUDD, P.C.
IN BUTLER COUNTY, OHIO

* * * * *

DONALD LEE ABNER, ET AL.

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY,
ET AL.,

Defendants.

* * * * *

DECEMBER 8, 1997 SUPPLEMENTAL RESPONSE OF PITTSBURGH CORNING
CORPORATION TO PLAINTIFFS' MASTER SET OF INTERROGATORIES

PREFATORY STATEMENT

This Defendant manufactured an asbestos thermal insulation product, UNIBESTOS, from July 1, 1962 to on or about February 1, 1972. Unless otherwise stated in response to specific interrogatories, the responses herein shall be limited to such

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product and time period. This Defendant objects to providing responses for any other period of time on the grounds that such additional information sought is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence and, furthermore, could be burdensome, expensive and harassing to comply with.

At various times, this Defendant also relabeled and sold certain types of mastic products as accessory products. Although all the formulations of these relabeled mastic accessory products are not now known, a few did include small amounts of asbestos fibers used as a binder, which fibers were encapsulated in a bituminous and/or resinous binder. These accessory products were not manufactured by this Defendant, were not used on high temperature insulation products such as UNIBESTOS and were not insulating materials. Those few mastic products which contained asbestos fibers as a binder have not been considered to be a source of asbestos fiber emissions. Consequently, such material was specifically exempted from certain regulations in the federal Environmental Protection Agency's National Emissions Standard for Asbestos, see 40 C.F.R. § 61.22 et seq., (now 40 C.F.R. § 61.148)

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and were exempt from the asbestos controls of the Consumer Products Safety Commission 16 C.F.R. § 1304.3(c). Similarly, the asbestos regulations of the Occupational Safety and Health Act, which require caution labels on asbestos products, did not apply to any material where asbestos fibers were modified by a binding agent, coating or binder. See 29 C.F.R. § 1910.1001(g)(2)(i) (now 29 C.F.R. § 1910.1001(j)(4)(i)).

The term asbestos is generically applied to several different minerals, may be found in various fiber types and may be found in a wide variety of product forms, including ceiling tiles, floor tiles, gaskets, gloves, mastics, protective aprons, protective matting, etc. This Defendant objects generally to these interrogatories as vague, overly broad, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence so far as they relate or refer to unidentified asbestos-containing products or materials and will limit its responses as stated above.

This Defendant states that there never existed a predecessor corporation with respect to this Defendant. While this Defendant purchased on June 30, 1962 selected assets from Union Asbestos &

Rubber Co., it did not purchase that company; that company continued to operate as a separate company for years and to sell other products including asbestos-containing products, it was not a predecessor corporation of this Defendant and on information and belief it or its successor continues to operate as an independent company to this date. Further, Defendant states that its responses to any interrogatory or request herein relate only to this Defendant and are not to be construed to imply the existence of a predecessor corporation.

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INTERROGATORIES

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.

RESPONSE: Defendant believes that it has policies of insurance which potentially cover the allegations contained in plaintiff's complaint. Defendant is willing to make the various policies of which it is aware available for inspection upon reasonable notice and at a mutually convenient time and place, subject to an appropriate protective order. Such policies consist of excess and/or umbrella insurance, some of which has been exhausted and some of which has not. The specific type of coverage afforded and the limitations of coverage with respect to such policies can be determined only from the policies themselves, of which there are many. The availability of coverage under any specific policy is or may be dependent upon the policy terms, policy

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conditions, any policy exclusions, the type of insurance involved, the state law involved, the allegations of any particular complaint to which the insurance may potentially apply, the identity of the particular insurer involved, the date of any settlements or judgements (with all appeals exhausted), the period of time from exposure to diagnosis, any exhaustion or expenditure by other carriers at any given point in time and the financial solvency of any particular carrier at any point in time. Defendant is aware that different insurance companies have taken and may take different positions with respect to the types of coverage afforded for asbestos-related claims and the limitations on such coverage. Defendant is also aware that different courts have also ruled on some, but not all, of these issues.

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BY

A handwritten signature in dark ink, consisting of a large, stylized initial 'C' followed by a long horizontal line extending to the right.

Attorneys for Defendant
Pittsburgh Corning Corporation

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AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

)SS:

COUNTY OF ALLEGHENY

BEFORE ME, the undersigned authority in and for said Commonwealth and County, personally appeared Richard C. McPherson, who being duly sworn deposes and says that he is Senior Vice President of Human Resources with Pittsburgh Coming Corporation, that he is authorized to make this affidavit on its behalf and that the facts contained in the foregoing interrogatories are based on previous responses to similar interrogatories compiled by Robert E. Buckday who was a former Vice President and Assistant to the President of Pittsburgh Coming Corporation and who has sworn that said responses were true and correct to the best of his knowledge or information and belief.

R. C. McPherson
R. C. McPherson

SWORN TO AND SUBSCRIBED BEFORE ME

this 8th day of December, 1997

Julie A. Stephens
Notary Public

Notarial Seal
Julie A. Stephens, Notary Public
Plum Boro., Allegheny County
My Commission Expires March 16, 2000
Member, Pennsylvania Association of Notaries