

7/10/2003

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT OF THE
TRIAL DEPARTMENT
CIVIL ACTION NO. 02-01159A

MARCIA RHODES, HAROLD RHODES,
INDIVIDUALLY, HAROLD RHODES,
ON BEHALF OF HIS MINOR CHILD
AND NEXT FRIEND, REBECCA
RHODES

Plaintiffs

-v-

CARLO ZALEWSKI, DRIVER
LOGISTICS, PENSKE TRUCK LEASING
CORP., AND BUILDING MATERIALS
CORP. OF AMERICA, D/B/A GAF
MATERIALS CORP.

Defendants.

**DEFENDANT BUILDING MATERIALS CORPORATION OF AMERICA D/B/A/ GAF
MATERIALS CORPORATION'S ANSWERS TO PLAINTIFF MARCIA RHODES'
SECOND SET OF INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 26 and 33 of the Massachusetts Rules of Civil Procedure,
defendant Building Materials Corporation of America d/b/a GAF Materials Corporation
("BMCA") hereby responds to the plaintiff Marcia Rhodes' Second Set of Interrogatories as
follows:

GENERAL OBJECTIONS

Each interrogatory is responded to subject to the General Objections set forth below.
These limitations and objections form a part of the response to each interrogatory. The failure to
specifically incorporate a General Objection is not a waiver of the General Objection.

1. BMCA objects to the interrogatories to the extent that they call for the disclosure of information protected by the attorney-client privilege, or the work product doctrine, or information which is otherwise not discoverable under the Massachusetts Rules of Civil Procedure.
2. BMCA objects to the interrogatories to the extent that they call for the disclosure of materials or information prepared in anticipation of litigation and/or trial preparation materials.
3. BMCA objects to the interrogatories to the extent that they seek information or documents not relevant to the issues raised in this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence.
4. BMCA objects to the interrogatories to the extent that they are vague, ambiguous and overly broad, and to the extent that they require a search for information that is oppressive, unduly burdensome and prohibitively expensive.
5. BMCA objects to the interrogatories to the extent that they request disclosure of confidential and sensitive business information.
6. BMCA objects to the interrogatories to the extent that they seek to impose obligations different from or in addition to the requirements of the Massachusetts Rules of Civil Procedure.
7. BMCA objects to the interrogatories to the extent that they seek information or material from entities other than BMCA, and to the extent that they purport to encompass each of BMCA's predecessors or affiliates, and all present and former officers, partners, directors, employees, agents, representatives, servants or attorneys, who are not parties to

this litigation or have not had any dealings with Plaintiff that are the subject of this litigation.

8. These responses are based on BMCA's present knowledge. BMCA reserves the right to supplement, amend or otherwise change these responses in the event that discovery reveals facts that would justify such supplementation, amendment or change.

INDIVIDUAL OBJECTIONS AND RESPONSES

Subject to its objections, BMCA specifically responds to the individual interrogatories as follows:

Interrogatory No. 10

Identify by name, employer, address, and qualifications, each person you expect to call as an expert witness at the trial of this action and for each such person:

- a. State the subject matter on which such person is expected to testify;
- b. State the substance of the facts and opinions to which each such person is expected to testify; and
- c. Provide a summary of the grounds and the materials relied upon for each such opinion.

Answer No. 10

BMCA objects to this interrogatory to the extent that it seeks information beyond the scope permitted by M.R.C.P. 26(b)(4). Subject to and without waiving its objections, BMCA states that it has not yet determined which expert witnesses, if any, it will call at trial.

As to objections,

BUILDING MATERIALS CORP. OF AMERICA,

By its attorneys,



Dennis M. Duggan, Jr., P.C., BBO #137460

Gregory P. Deschenes, BBO # 550830

Grace C. Wu, BBO # 650926

NIXON PEABODY LLP

101 Federal Street

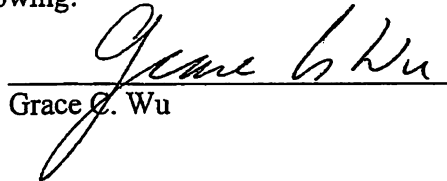
Boston, MA 02110-1832

617/345-1000

Dated: July 10, 2003

CERTIFICATE OF SERVICE

I, Grace C. Wu, hereby certify that on July 10, 2003, I served the foregoing Responses to Plaintiff's Second Set of Interrogatories upon all interested parties by forwarding the same via First Class Mail Postage pre-paid to the following:


Grace C. Wu

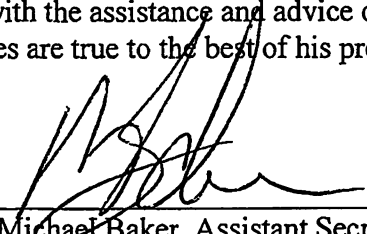
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VERIFICATION

The undersigned does hereby, under the penalties of perjury of this 9 day of July 2003, state that he is an Assistant Secretary of Building Materials Corporation of America d/b/a GAF Materials Corporation ("BMCA"), authorized to sign the foregoing on behalf of BMCA, defendant in this matter, and that he has read the contents of the foregoing responses to interrogatories, and that said responses were prepared by and with the assistance of the corporation's employees and representatives, and with the assistance and advice of counsel, upon which he has relied, and that the foregoing responses are true to the best of his present knowledge, information and belief.



Michael Baker, Assistant Secretary of BMCA