UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

CPSC/OFC. OF THE SECRETARY
FREEDOM OF INFORMATION

1998 MAR 26 P 4:01

IN THE MATTER OF CENTRAL SPRINKLER CORP. and CENTRAL SPRINKLER CO., Respondents	CPSC DOCKET NO. 98-2

RESPONDENTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Respondents Central Sprinkler Corp. ("CSC") and Central Sprinkler Co. ("Central") (collectively, "Respondents"), through their undersigned counsel, hereby propound to the Consumer Product Safety Commission (the "CPSC" or the "Complainant") the following request for documents pursuant to 16 C.F.R. § 1025.33. Complainant is requested to produce the documents and things described herein within thirty (30) days of the service of this request. Complainant's responses should be sent to the offices of Morgan, Lewis and Bockius LLP, 2000 One Logan Square, Philadelphia, PA 19103.

For the purposes of this Request, the following instructions and definitions apply:

INSTRUCTIONS

Respondents hereby fully incorporate by reference the Instructions set forth in Respondents' First Set of Interrogatories.

DEFINITIONS

Respondents hereby fully incorporate by reference the Definitions set forth in Respondents' First Set of Interrogatories.

DOCUMENTS AND THINGS TO BE PRODUCED

1. All documents identified in the "List and Summary of Documentary Evidence" attached to the Complaint.

2. All documents identified in the CPSC's responses to Respondents' First Set of Interrogatories.

3. All documents that constitute the entirety of the CPSC administrative file regarding the Omegas.

4. All documents that constitute subpoenas from the CPSC or other requests for documents to any person, organization, business, or any other entity regarding or related to the Omegas.

5. All documents provided to the CPSC in response to subpoenas from the CPSC or other requests for documents to any person, organization, business, or any other entity regarding or related to the Omegas.

6. All documents provided to the CPSC by Respondents regarding the Omegas.

7. All documents provided to the CPSC by any person, organization, business, or any other entity regarding or related to the Omegas and/or Respondents.

8. All documents that constitute, provide evidence of, refer, or relate to any testing of the Omegas conducted by or on behalf of the CPSC.

9. All documents that constitute, provide evidence of, refer, or relate to any testing of the Omegas conducted by on or behalf of any other person, organization, business, or other entity.

10. All documents that constitute, provide evidence of, refer, or relate to any testing of non-Omega sprinkler heads conducted by on or behalf of the CPSC.

11. All documents that constitute, provide evidence of, refer, or relate to testing of non-Omega sprinkler heads conducted by on or behalf of any other person, organization, business, or other entity.

12. All documents that constitute, provide evidence of, refer, or relate to the alleged jurisdiction of the CPSC over the Omegas.

13. All documents that constitute, provide evidence of, refer, or relate to the jurisdiction of the CPSC over any product, including without limitation any memoranda or other interanal correspondence that addresses the extent of or any limitations on the jurisdiction of the CPSC.

14. All documents that constitute, provide evidence of, refer, or relate to CSC manufacturing, selling, or marketing Omegas.

15. All documents that constitute, provide evidence of, refer, or relate to any fires where Omegas allegedly failed to activate properly.

16. All documents that constitute, provide evidence of, refer, or relate to any fires where Omegas allegedly activated properly.

17. All documents that constitute, provide evidence of, refer, or relate to any fires where non-Omega sprinkler heads allegedly failed to activate properly.

18. All documents that constitute, provide evidence of, refer, or relate to any fires where non-Omega sprinkler heads allegedly activated properly.

19. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and former employees of Respondents, including but not

limited to interview notes, questions asked, answers received, documents exchanged or revealed by or between either party, and any audiotape or videotape of such communications.

20. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and current employees of Respondents, including but not limited to interview notes, questions asked, answers received, documents exchanged or revealed by or between either party, and any audiotape or videotape of such communications.

21. All documents that constitute, provide evidence of, refer, or relate to "[the] multiple random inquiries of sprinkler contractors across the nation," as referenced in a November 24, 1997 letter from Eric Singer of the CPSC to Kathleen Sanzo.

22. All documents that constitute, provide evidence of, refer, or relate to "what has been, and remains, customarily required to remove and install sprinklers," as referenced in a November 24, 1997 letter from Eric Singer of the CPSC to Kathleen Sanzo.

23. All documents that constitute, provide evidence of, refer, or relate to "the evidence we have gathered does not support the view [that] dezincification alone is the cause of the above-required operating pressures in Omegas from plastic pipes," as referenced in a November 24, 1997 letter from Eric Singer of the CPSC to Kathleen Sanzo.

24. All documents that constitute, provide evidence of, refer, or relate to "the evidence we have gathered does not support the view . . . that swollen o-rings due to cutting oil exposure are the exclusive cause of non-activation in Omegas manufactured before 1996," as referenced in a November 24, 1997 letter from Eric Singer of the CPSC to Kathleen Sanzo.

25. All documents that constitute, provide evidence of, refer, or relate to "the data [which] point to multiple failure modes rooted in the design and construction of these sprinklers," as referenced in a November 24, 1997 letter from Eric Singer of the CPSC to Kathleen Sanzo.

26. All documents that constitute, provide evidence of, refer, or relate to any testing, evaluation, consideration, or analyses done by or on behalf of the CPSC regarding the "testing based corrective action," as referenced in a February 19, 1998 letter from Eric Stone of the CPSC to Kathleen Sanzo.

27. All documents that constitute, provide evidence of, refer, or relate to any testing, evaluations, or analyses done by or on behalf of the CPSC which reflects the "serious concerns" of the CPSC regarding whether "Omega sprinklers with silicone o-rings will function in the long term," as referenced in a February 19, 1998 letter from Eric Stone of the CPSC to Kathleen Sanzo.

28. All documents that constitute, provide evidence of, refer, or relate to any testing, evaluations, consideration, or analyses done by or on behalf of the CPSC which addressed Omegas where "the internal shaft was cocked or tipped slightly and jammed in that position," as referenced in a February 24, 1998 letter from Eric Stone of the CPSC to Kathleen Sanzo.

29. All documents that constitute, provide evidence of, refer, or relate to "automatic fire sprinklers' historical rate of proving 99.5 percent effective," as referenced in a January 6, 1998 letter from Eric Singer of the CPSC to state attorneys general.

30. All documents that constitute, provide evidence of, refer, or relate to the CPSC Recall Handbook.

31. All documents received by the CPSC from Respondents or any agent, employee, or representative of Respondents.

32. All Omegas in possession of the CPSC.

33. All non-Omega sprinkler heads in the possession of the CPSC.

34. All audio and/or video tapes regarding or relating to any testing of Omegas.

35. All audio and/or video tape regarding or relating to any testing of non-Omega sprinkler heads.

36. All documents that constitute, provide evidence of, refer, or relate to any personal journals, diaries, or correspondence maintained by the CPSC Staff regarding the Omegas and/or Respondents.

37. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and any dealers, retailers, contractors, or any distributors regarding or related to the Omegas and/or Respondents.

38. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and any Authorities Having Jurisdiction regarding or related to the Omegas and/or Respondents.

39. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and any consumers regarding or related to the Omegas and/or Respondents.

40. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and any state law enforcement authorities regarding or related to the Omegas and/or Respondents.

41. All documents that constitute, provide evidence of, refer, or relate to any communications between the CPSC and any federal law enforcement authorities regarding or related to the Omegas and/or Respondents.

42. All documents that constitute, provide evidence of, refer, or relate to scripts, talking points, outlines, or any other material prepared by, for, or on behalf of the CPSC for any press conferences or news releases regarding the Omegas and/or Respondents.

43. All documents that constitute, provide evidence of, refer, or relate to any material regarding the Omegas and/or Respondents created by or on behalf of the CPSC public relations department, media department, or any other CPSC internal department charged with communicating with or providing information to the public media.

44. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 5 of the Complaint that CSC is a "manufacturer" of consumer products.

45. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 6 of the Complaint that the Omegas are "consumer products."

46. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 8 of the Complaint that the Omegas are "designed to perform in accordance with" UL Standard 199 and NFPA Standard 13.

47. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 8 of the Complaint that the Omegas are designed to perform in accordance with certain standards "when exposed to certain temperatures."

48. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 10 of the Complaint that the Omegas "do not and/or will not function in a significant percentage of instances."

49. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 10 of the Complaint that the "Omegas are defective pursuant to 15 U.S.C. § 2064(a)(2) and 16 C.F.R. § 1115.4."

50. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 13 of the Complaint that "failure of the Omegas to function exposes the public to bodily injury and/or death."

51. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 15 of the Complaint that the "defect or defects in the Omegas create a

substantial risk of injury to the public within the meaning of § 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2)."

52. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 16 of the Complaint that "Omegas present a substantial product hazard as described in Sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. §§ 2064(a) (2), (c) and (d)."

53. All documents that constitute, provide evidence of, refer, or relate to the allegation of Paragraph 16 of the Complaint that "action under these provisions is in the public interest."

54. A current curriculum vitae or resume for each and every expert witness whom the CPSC expects to testify on its behalf at the hearing in this matter.

55. All publications of any nature authored by any expert witness whom the CPSC expects to testify on its behalf at the hearing in this matter.

56. Any and all written statements made by Respondents that the CPSC contends constitute an admission with reference to any of the issues raised in the Complaint.

57. All documents that constitute, provide evidence of, refer, or relate to the use of silicone o-rings in sprinkler heads.

58. All documents that constitute, provide evidence of, refer, or relate to the use of EPDM o-rings in sprinkler heads.

59. All documents that constitute, provide evidence of, refer, or relate to the use in sprinkler heads of o-rings comprised of any other material or compound.

60. All documents that constitute, provide evidence of, refer, or relate to the reasons giving rise to the CPSC's decision to investigate alleged risks associated with the Omegas.

61. All documents that constitute, provide evidence of, refer, or relate to any and all incidents known to the CPSC in which a consumer or other person has reported any form of property damage in connection with the Omegas.

62. All documents that constitute, provide evidence of, refer, or relate to any and all incidents known to the CPSC in which a consumer or other person has reported any form of personal injury in connection with the Omegas.

63. Any and all testing protocols used by the CPSC or by any expert or other person on behalf of the CPSC in testing the Omegas.

64. All documents that constitute, provide evidence of, refer, or relate to any alternative design features for the Omegas.

65. All documents that constitute, provide evidence of, refer, or relate to the feasibility and/or propriety of any alternative design features for the Omegas.

66. All documents that constitute, provide evidence of, refer, or relate to the CPSC's preliminary determination of the alleged risks associated with the Omegas.

67. All documents that constitute, provide evidence of, refer, or relate to any changes in the CPSC's preliminary determination and/or initial assignment of the level of hazard allegedly presented by the Omegas.

68. All documents that constitute, provide evidence of, refer, or relate to any corrective action proposal for the Omegas.

69. All documents that constitute, provide evidence of, refer, or relate to the requested recall of the Omegas.

70. All documents that constitute, provide evidence of, refer, or relate to the corrective action proposal presented by Respondents regarding the Omegas.

71. All documents that constitute, provide evidence of, refer, or relate to the CPSC's decision to initiate the instant adjudicative proceeding against the Respondents.

DATED: March 26, 1998

J. Gordon Cooney, Jr. (MFH)

J. Gordon Cooney, Jr.
Thomas P. Hogan, Jr.
Emily J. Lawrence
MORGAN, LEWIS & BOCKIUS LLP
2000 One Logan Square
Philadelphia, PA 19103
(215) 963-4806

Michael F. Healy
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, DC 20036
(202)-467-7472

John C. Fenningham
CORR, STEVENS & FENNINGHAM
Five Neshaminy Interplex, Suite 315
Trevose, PA 19053
(215) 639-4070

Attorneys for Respondents
CENTRAL SPRINKLER CORP. and
CENTRAL SPRINKLER CO.

CERTIFICATE OF SERVICE

I, Michael F. Healy, hereby certify that on this date a true and correct copy of the foregoing Respondents' First Request for Production of Documents and Things was served by hand upon the following:

Eric L. Stone
Director
Division of Administrative Litigation
U. S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Alan H. Schoem
Assistant Executive Director
Office of Compliance
U.S. Consumer Product Safety Commission
4430 East West Highway
Bethesda, MD 20814

Date: March 26, 1998

Michael F. Healy

Michael F. Healy