1 A Yes.

2 Q Did you go with him to Dr. O'Donnell?

3 A We were all together at once and then separately.

4 Q When you were all together, did he ask all of you questions

5 as a group?

6 A Yes.

7 Q And then he met with you each individually?

8 A That's right.

9 MR. JOHNSON: Off the record.

10 (Discussion off the record)

11 BY MR. PERNITZ:

12 Q Do you have any appointments scheduled at the present time

13 with any doctor for any problem that you feel is related to

14 the furnace?

15 A No.

16 MR. PERNITZ: That's all I have for you.

17 I'll hang onto the original exhibit.

18 (Witness excused)

19 (Whereupon the examination adjourned at 4:00

20 p.m.)

21

22

23

24

25

STATE OF WISCONSIN)
)ss.
WAUSHARA COUNTY)

I, Karla J. Willeford, Registered Professional Reporter and Notary Public in and for said county, do hereby certify that the attached and foregoing examination was taken before me in the City of Berlin, Wisconsin, on the 18th day of April, 1991; that it was taken at the request of the parties, upon verbal interrogatories; that the reason for taking it was that the parties desired an examination of the witness, ELAINE S. THAYER, otherwise than as a witness on the trial, under the provisions of Section 804.03 of the Wisconsin Statutes; that said ELAINE S. THAYER, before examination, was sworn by me to testify the truth, the whole truth, and nothing but the truth relative to said cause; and that all parties attending the taking of said examination stipulated that the reading and signing thereof by the witness be waived.

Dated this 25th day of April, 1991.

HENES, PHILLIPS & WILLEFORD
COURT REPORTING SERVICE

Karla J. Willeford

Court Reporter and Notary Public

STATE OF WISCONSIN: CIRCUIT COURT: WAUSHARA COUNTY:

HOLLIS THAYER, ELAINE THAYER,
and STELLA WACHOLTZ,
Plaintiffs,
LOUIS W. SULLIVAN,
Secretary of U.S. Department of
Health and Human Services,
and
WAUSHARA COUNTY,
Involuntary Plaintiffs,

vs. Case No. 90-CV-4884

GERALD ZUEHLS and GENERAL CASUALTY
COMPANY OF WISCONSIN,
Defendants.

To: Clerk of Courts Office
Waushara County Courthouse
Wautoma, WI 54982

Mr. Gordon S. Johnson, Jr.
Berlin, WI 54923
Attorney at Law

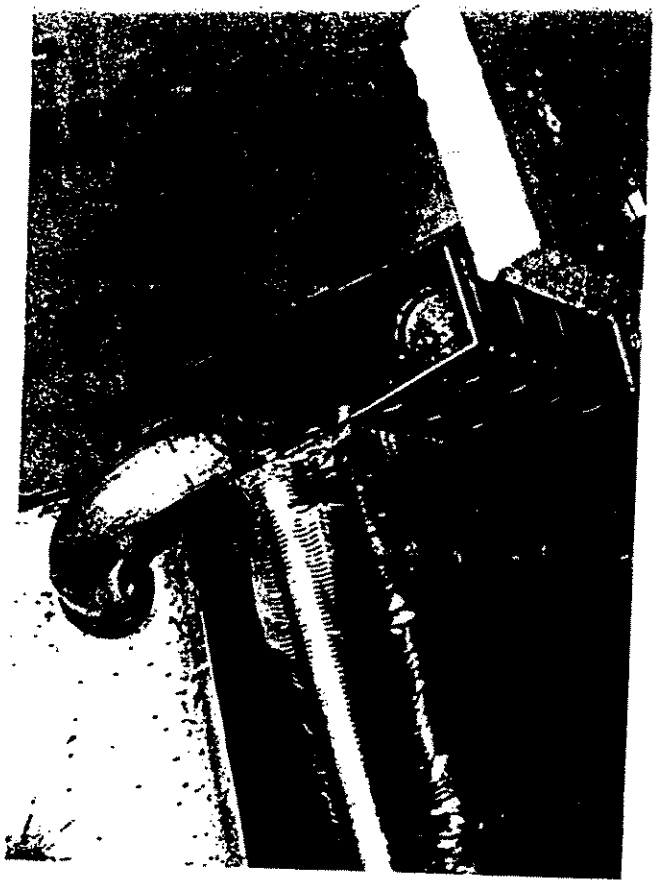
PLEASE TAKE NOTICE that the original transcript of the deposition of ELAINE S. THAYER, taken on the 18th day of April, 1991, was served upon Attorney Scott G. Pernitz, Madison, Wisconsin, as per Section 804.05(7) of the Wisconsin Statutes.

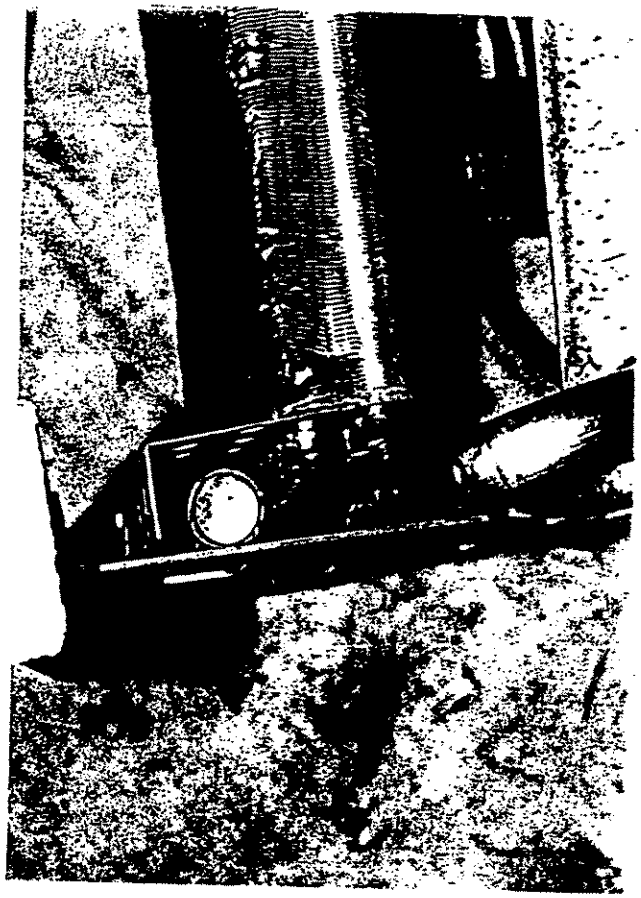
Dated this 25th day of April, 1991.

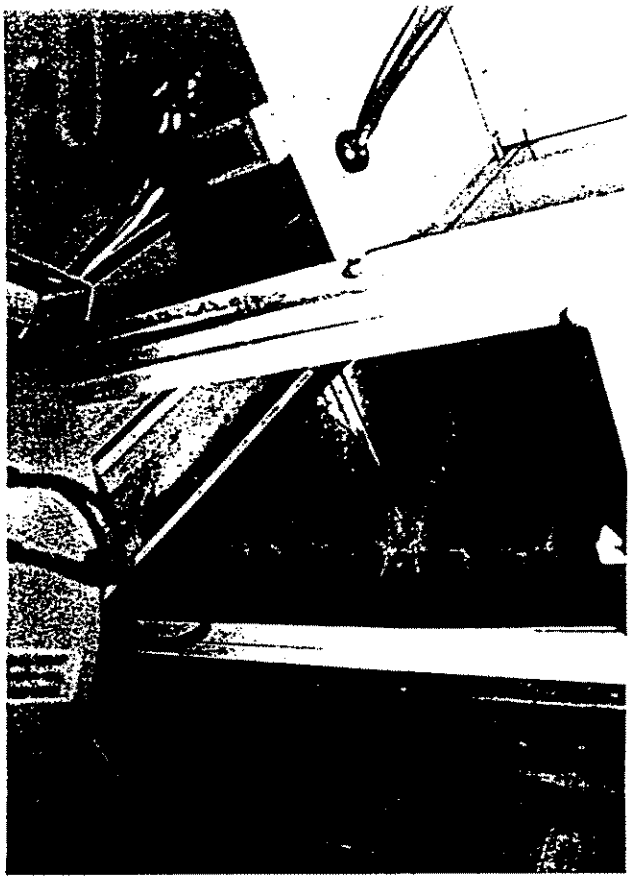
HENES, PHILLIPS & WILLEFORD
COURT REPORTING SERVICE

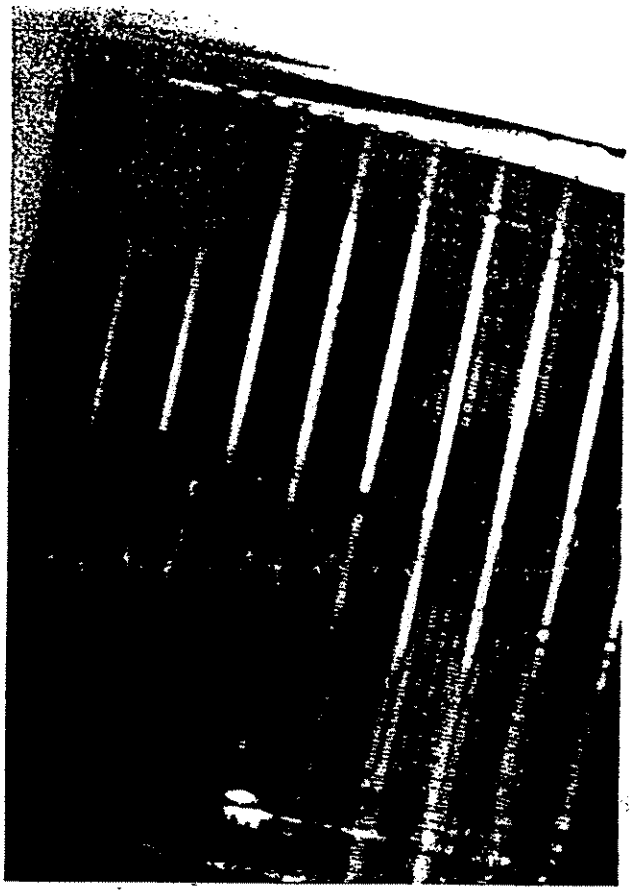
Karla J. Willeford

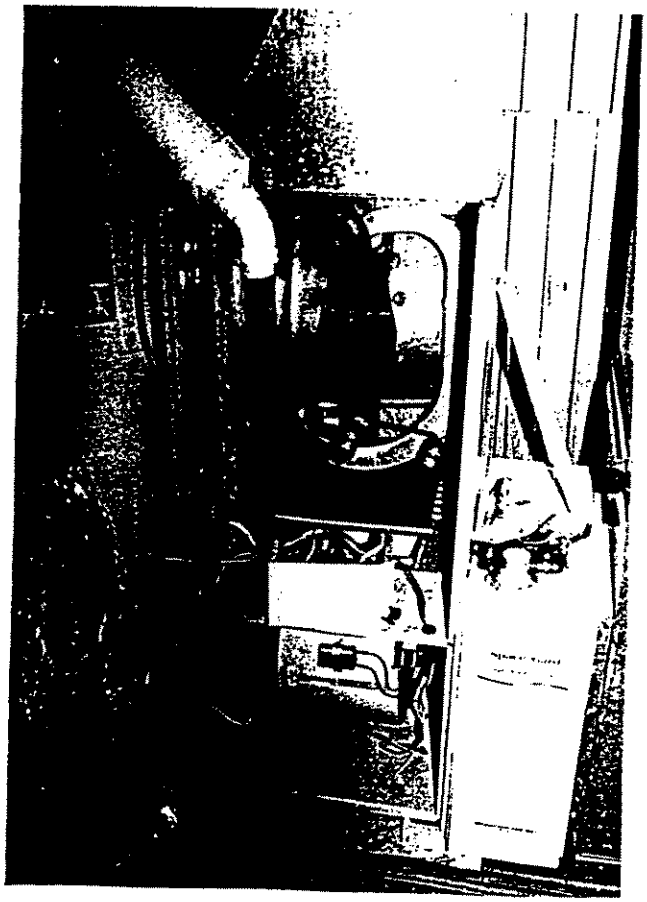
cc: Attorney Scott G. Pernitz

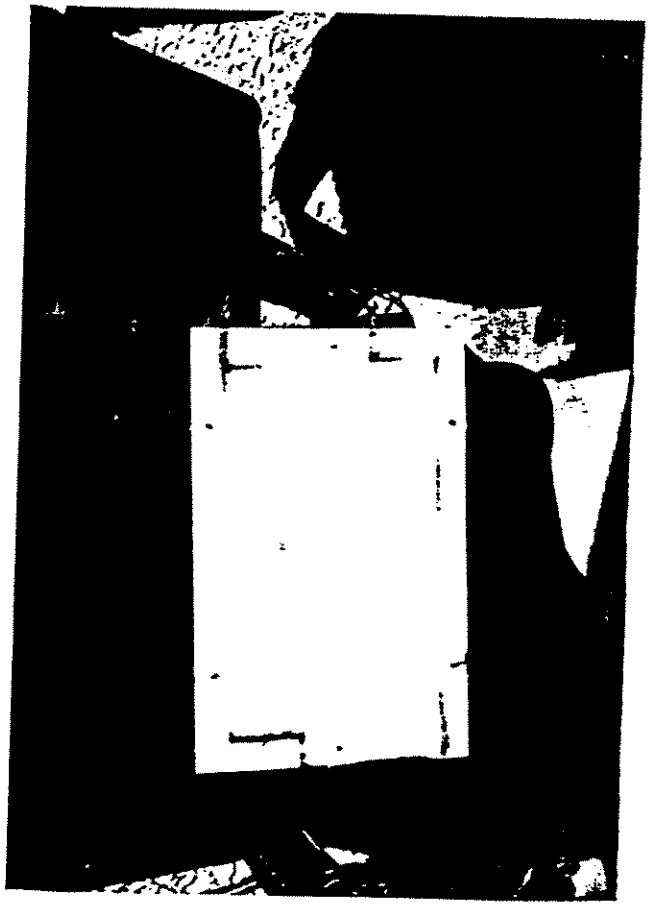












CONSUMER PRODUCT INCIDENT REPORT

7/13/92
32626

1. NAME OF RESPONDENT Susan Miller -	2. TELEPHONE NO. (Home) (Work) (414) 297-4451
3. STREET ADDRESS 205 E. Wisconsin Ave.	4. CITY STATE ZIP CODE Milwaukee WI 53202

5. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.)

Respondent is an assistant to Senator Herb Kohl and states that she received a complaint from a constituent about a defective furnace. According to the constituent, she's been having problems with this furnace since 1989.

Please see attached letter.

6. DATE OF INCIDENT(S) 1989 - current	7. IF INJURY OR NEAR MISS, OBTAIN AGE _____ SEX _____ AND DESCRIBE INJURY _____	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME Elaine Thayer RELATIONSHIP _____
9. DESCRIPTION OF PRODUCT Gas Furnace		10. BRAND NAME Lennox
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE Lennox Dallas, TX		12. MODEL, SERIAL NO.'S
		13. DEALER'S NAME, ADDRESS & PHONE
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES _____ NO _____ IF YES, BEFORE OR AFTER THE INCIDENT? _____ Describe _____		15. PRODUCT PURCHASED NEW _____ USED _____ DATE PURCHASED _____ AGE _____
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: _____
17. HAVE YOU CONTACTED THE MANUFACTURER? YES X NO _____ IF NOT, DO YOU PLAN TO CONTACT THEM? YES _____ NO _____ OTHER _____	18. IS THE PRODUCT STILL AVAILABLE? YES X NO _____ IF NOT, ITS DISPOSITION _____	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES _____ NO _____

FOR ADMINISTRATION USE

20. DATE RECEIVED 6-03-92	21. RECEIVED BY (Name & Office) Sergio M. Rocha	22. DOCUMENT NO. G26 0121
23. FOLLOW-UP ACTION INVESTIGATION 920608CCN2038		24. PRODUCT CODE(S)
25. DISTRIBUTION FOCR, EPDS, FOWR	26. ENDORSER'S NAME & TITLE Eric B. Ault, Reg. Dir.	

CPSC FORM 175 (9/89)

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

[X] You are hereby authorized to disclose my name and address with the information collected on this case.

[ ] My identity is to remain confidential.

Elaine L. Thayer
(Signature)

6/11/92
(Date)

U.S. GOVERNMENT PRINTING OFFICE: 1984—404-728

HERBERT KOHL
WISCONSIN

WASHINGTON OFFICE:
330 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5653
T.D.D. (202) 224-4484

COMMITTEES:

JUDICIARY

GOVERNMENTAL AFFAIRS

SPECIAL COMMITTEE ON AGING

SELECT COMMITTEE ON POW/MIA AFFAIRS

United States Senate

WASHINGTON, DC 20510-4903

MILWAUKEE OFFICE:
205 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202
(414) 297-4451

MADISON OFFICE:
14 WEST MIFFLIN STREET
SUITE 312
MADISON, WI 53703
(608) 264-5338

EAU CLAIRE OFFICE:
3409 GOLF ROAD
EAU CLAIRE, WI 54701
(715) 832-8424

KENOSHA OFFICE:
625 52nd STREET
ROOM 303
KENOSHA, WI 53140
(414) 657-7719

APPLETON OFFICE:
4321 WEST COLLEGE AVENUE #236
APPLETON, WI 54914
(414) 738-1940

May 27, 1992

Consumer Product Safety Commission
Attn: Robin Ross
310 W. Wisconsin Avenue
P.O. Box 244
Milwaukee, WI 53203

Dear Ms. Ross:

I am writing on behalf of one of my constituents who contacted my office concerning a furnace complaint. Below is the address and phone for my constituent.

Ms. Elaine Thayer
N 22nd Avenue
Rt 1 Box 2940
Neshkoro WI 54960
414-293-4473 (2798A 22nd Ave)

Ms. Thayer has been incurring problems with her Lennox furnace dating back to 1989. Ms. Thayer maintains her furnace is defective, and as a result of the fumes it emits, her health is at great risk. According to Ms. Thayer, attempts to solve her problems with Lennox Industries has proved unsuccessful.

I have referred Ms. Thayer to contact the Wisconsin Department of Justice Office of Consumer Protection and Citizen Advocacy for their assistance. However, any further information your office could provide to assist my constituent would be appreciated.

Please forward all correspondence to the attention of my staff assistant, Susan Miller, located in my Milwaukee office. If you have any questions concerning this letter please do not hesitate to contact Susan at 414/297-4451.

Thank you for your time and consideration with this matter.

Sincerely,

Herb Kohl

HERB KOHL
U.S. Senator

HK:smm

PRINTED ON RECYCLED PAPER

0307/0310 3

LENNOX International Inc.

CORPORATE OFFICES

HEATING AND AIR CONDITIONING
ESTABLISHED 1895

PAMELA A. SWANK
Corporate Counsel

Direct Dial: 214-497-5339

P.O. BOX 799900
DALLAS, TEXAS 75379-9900
PHONE: 214-497-5000
LAW DEPT. FAX: 214-497-5268

September 29, 1992

Ms. Joyce E. Coonley
Acting Director
National Injury Information Clearinghouse
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Your File No. 920608CCN2038

Dear Ms. Coonley:

This will acknowledge receipt of your August 31, 1992 letter to John W. Norris, Jr. as part of the Consumer Product Safety Commission's policy of sharing complaints and investigative reports concerning injuries or potential injuries associated with products of manufacturers. The materials attached to your letter discuss an alleged soot and foul order incident involving Hollis and Elaine Thayer at their home in Wisconsin. The incident allegedly involved a Lennox system.

We, as a general practice, take any such report regarding our products very seriously regardless of the source of the report. Lennox is already involved in active litigation with the Thayers in this matter and undertook an investigation to determine the cause of the alleged foul order and soot and to determine whether this incident constituted a substantial product hazard or whether Lennox has any obligation under Section 15 of the Consumer Product Safety Act or otherwise.

After a review of the materials provided and its own investigation, Lennox has concluded that the alleged foul order and soot is unrelated to the design or any defect in the Lennox system. Lennox is actively defending this litigation brought by the Thayers on the basis that the Thayers' complaints which are raised in their report to the CPSC are without merit as they relate to Lennox Industries Inc.

Consequently, it is the conclusion of Lennox Industries Inc. that neither this report nor any other information available to Lennox reasonably would support a conclusion that this incident constituted a substantial product hazard or that Lennox has any obligation under Section 15 of the Consumer Product Safety Act.

If you have any information to the contrary, please provide it to us so we might respond appropriately. Thank you for sharing this report with Lennox. Lennox believes the information in this report constitutes trade secrets or confidential proprietary information that should be withheld from public disclosure pursuant to Exemption 4 of the Freedom of Information Act.

Sincerely,

Pamela A. Swank

Pamela A. Swank
Corporate Counsel

cc: Mr. Bill Drake
Ms. Linda Alderson

g:\ind\pas2509.plb

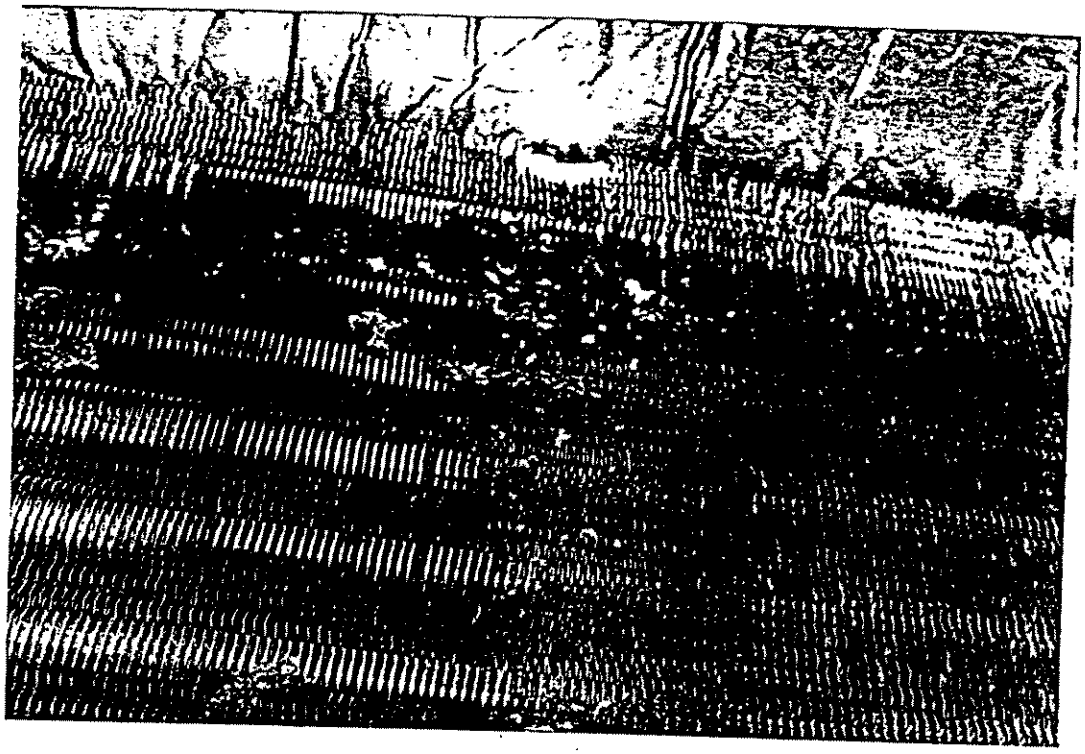
ADDENDUM TO: IDI #920608CCN2038 (0307/0310

OCT 26 1992

In an effort to determine if any additional testing or test results were available with regard to the subject furnace, on October 16, 1992, I contacted the homeowner's attorney. I was told that he was no longer involved in the case and that I should therefore contact the homeowner. I therefore contacted the heating contractor's attorney and was told that no additional test results were available beyond what is already contained in my original report. He stated that due to the plaintiff changing attorney's all new experts have been contacted to work on the case, none of which have completed any substantial testing or issued any reports as of this date.

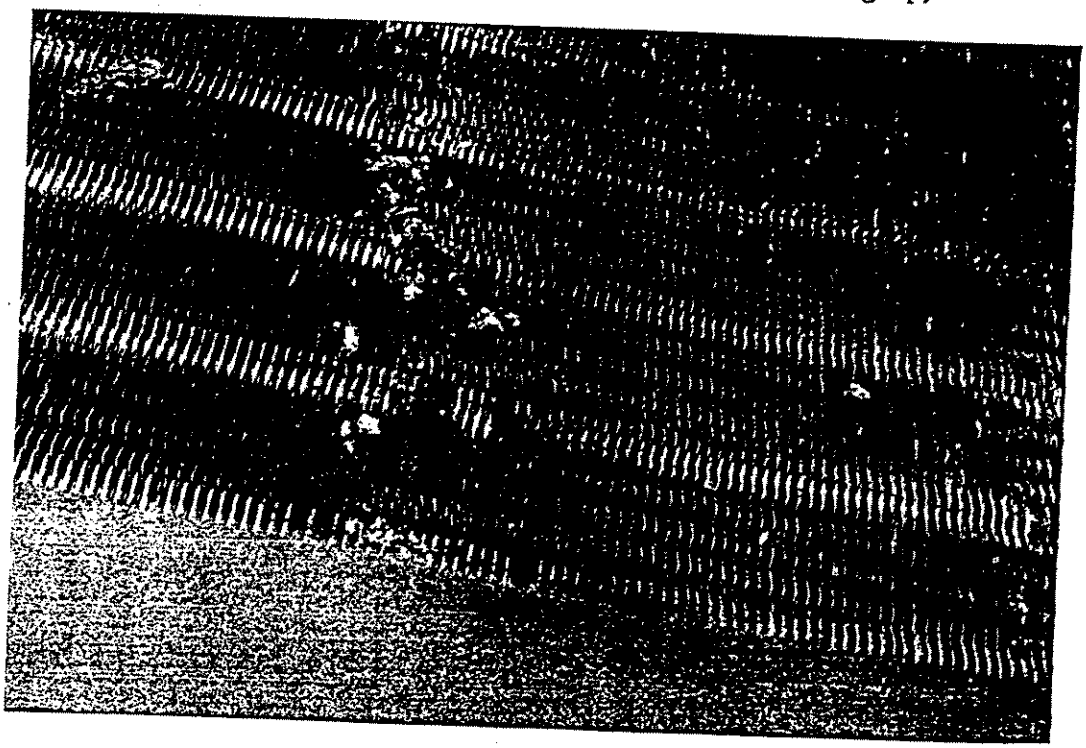
I again requested that I be copied in on any test results or conclusions reached in the future, and the attorney agreed stating that my name is still contained in his file for that purpose.

Should any additional information become available in the future it will be forwarded as another addendum to this report.



Substance Found on Bottom Grating of Secondary Heat Exchanger

(Underneath Furnace Looking Up)



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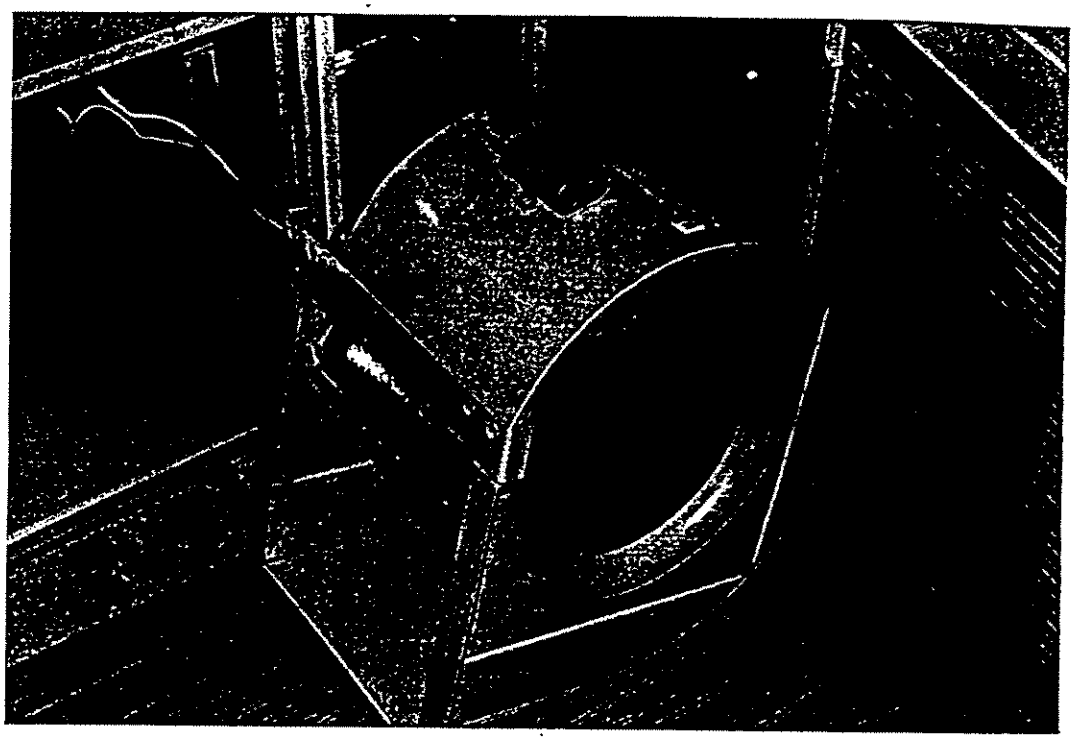
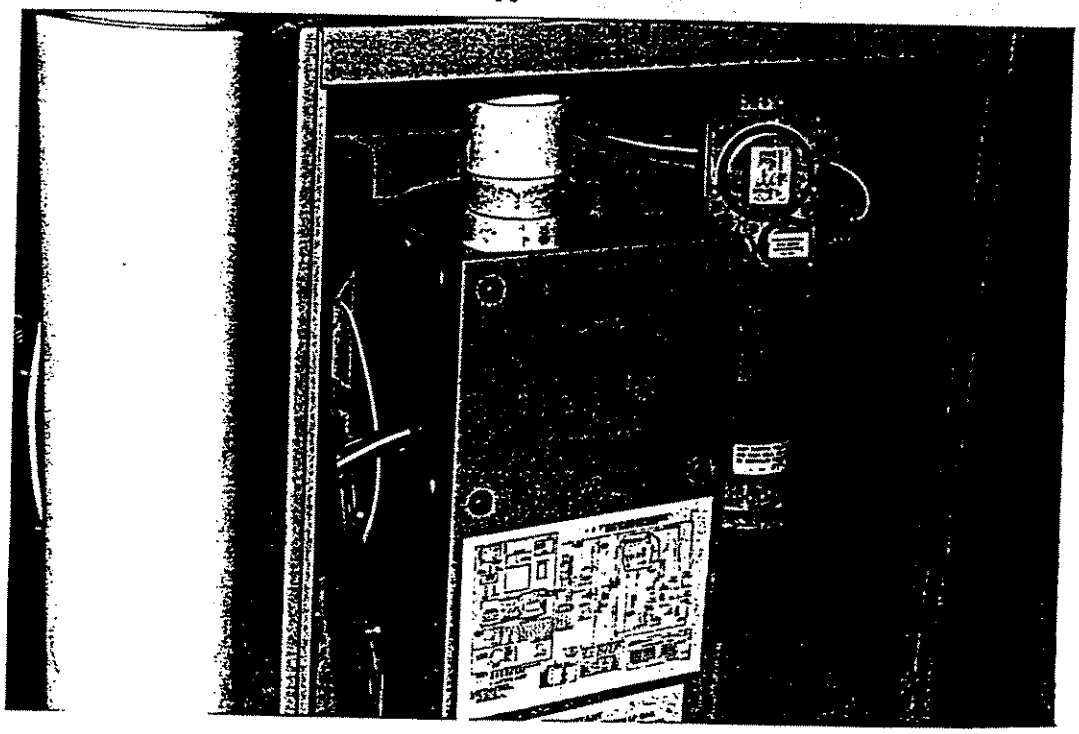
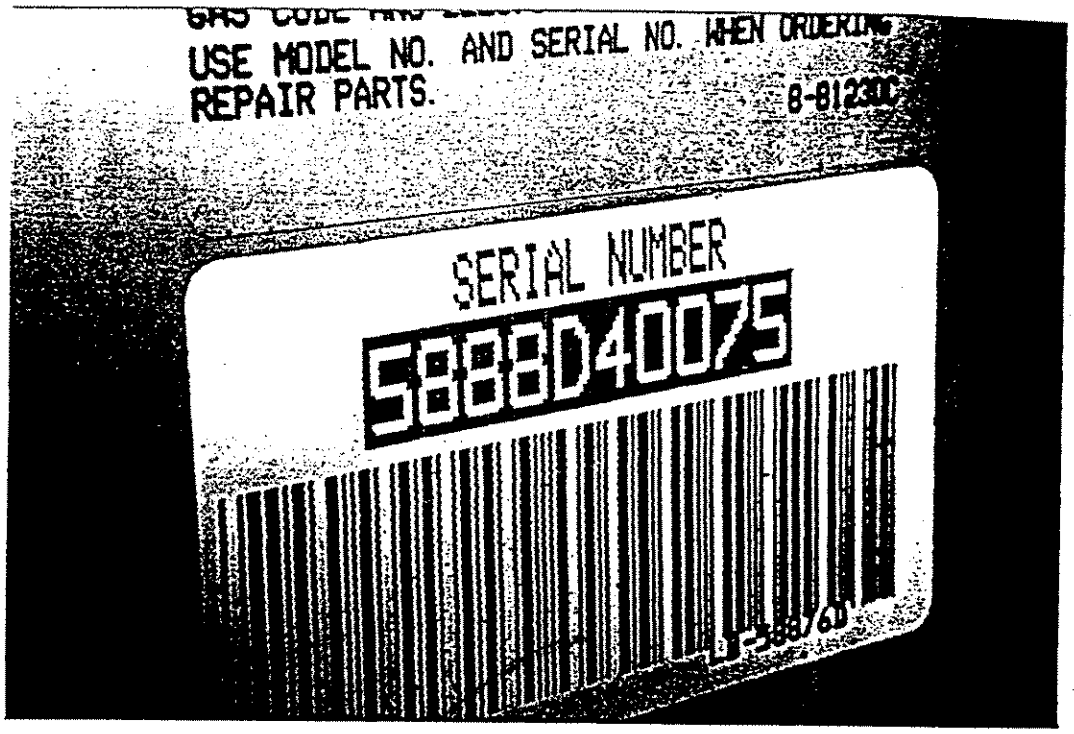


Furnace Fan-Removed to View Bottom of Heat Exchanger-Fins also showed tar/pitch type substance.

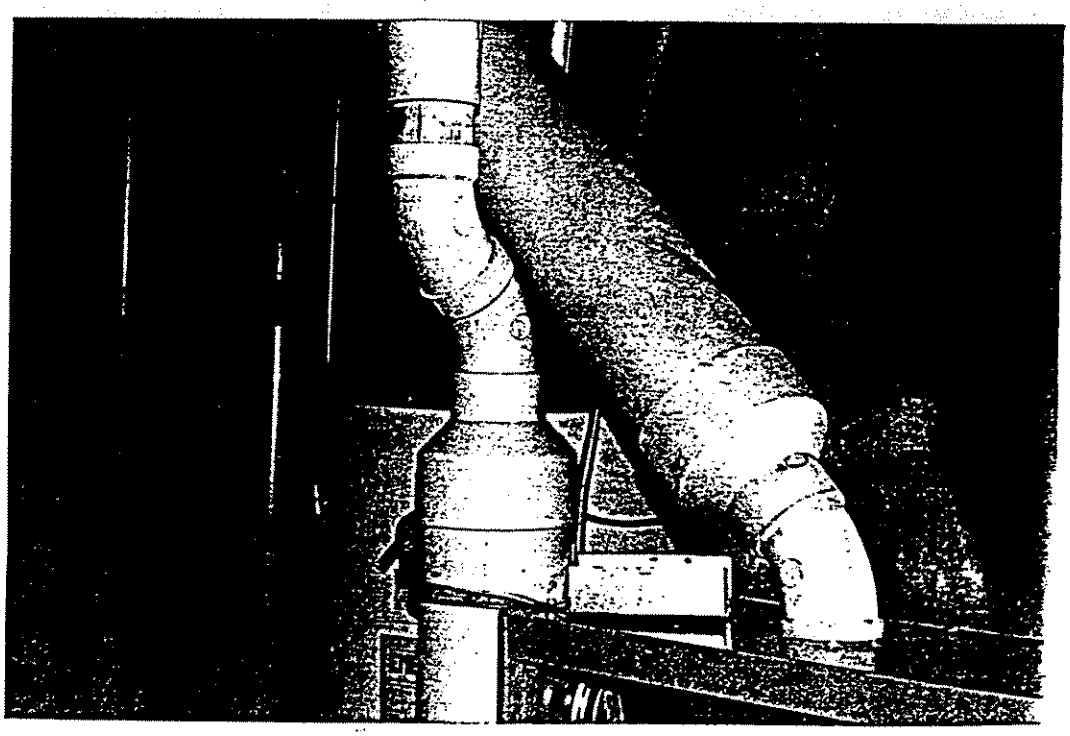


Upper portion of furnace Interior

920608CCN2038

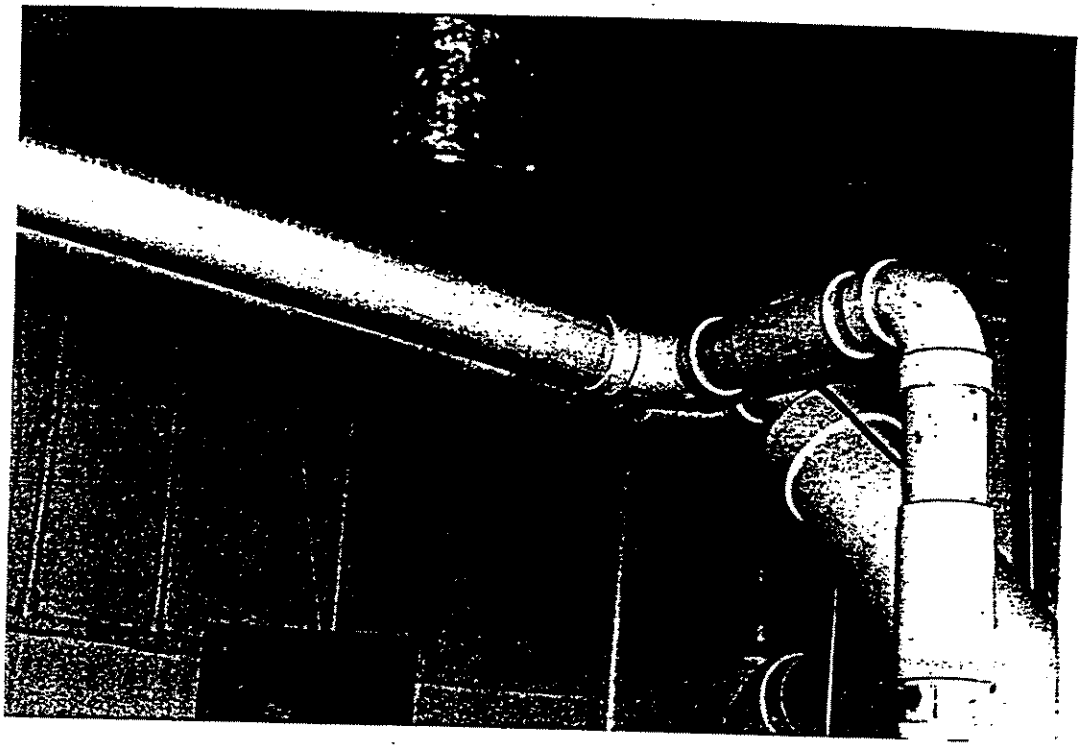


Furnace Serial Number

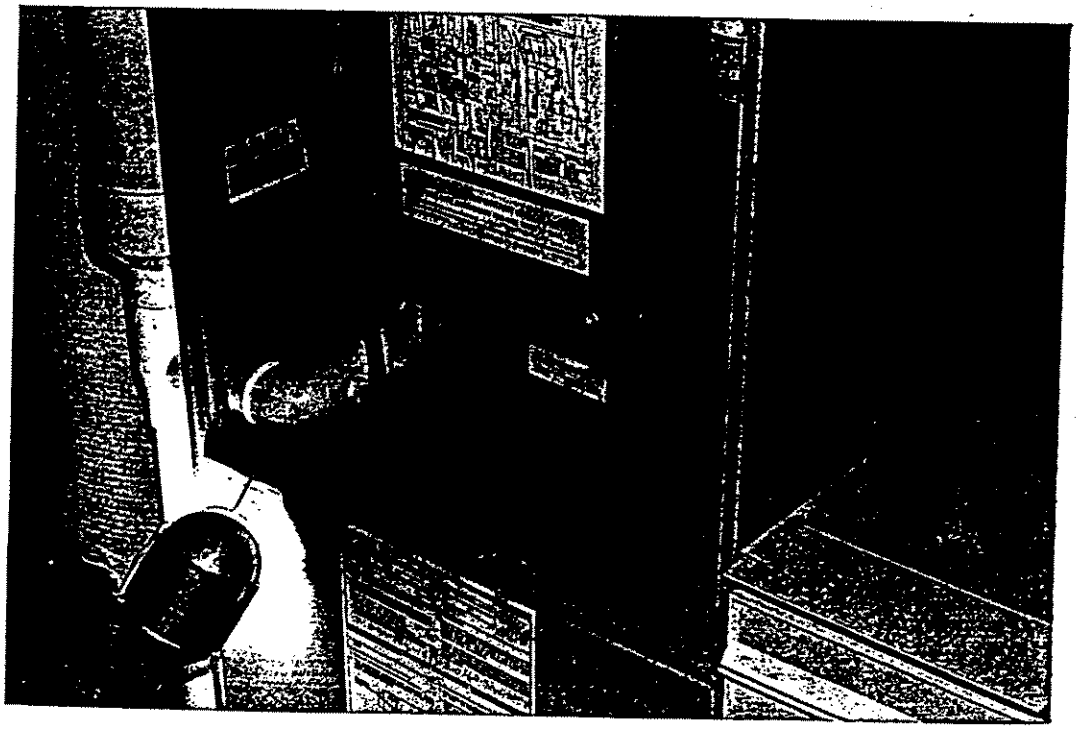


Outside Air Vent Piping

920608CCN2038

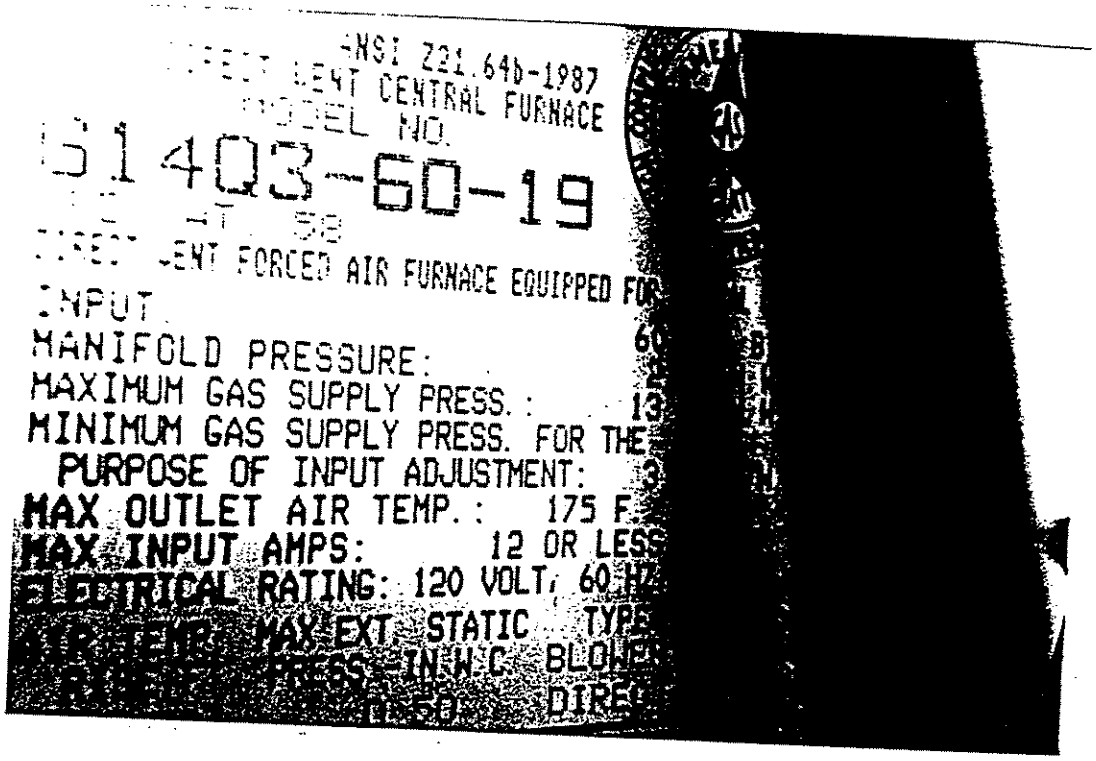


Outside Air Piping-Cont.

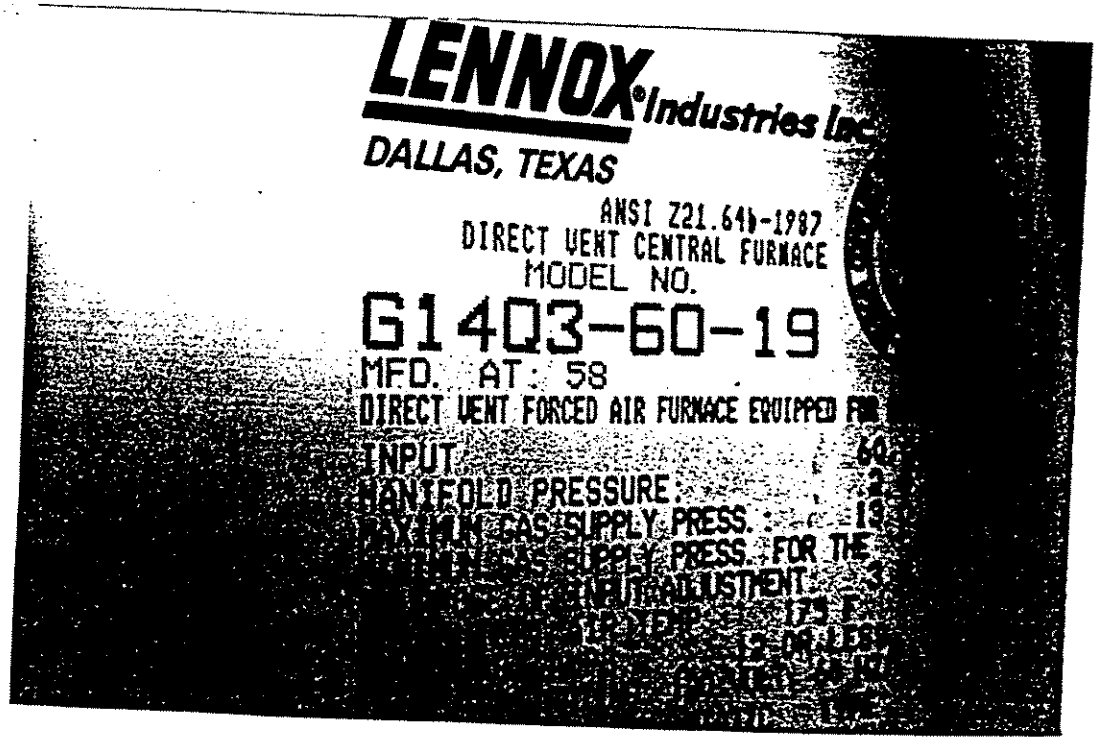


Furnace-Lower Portion

920608CCN2038



Furnace Plate Information



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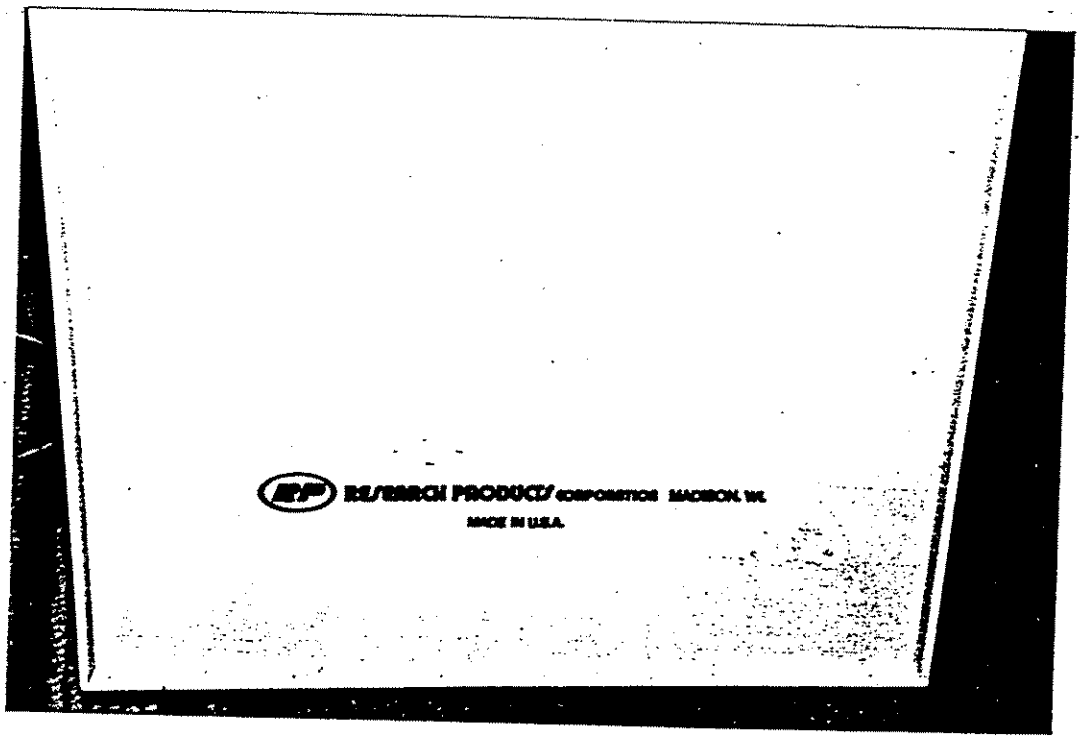
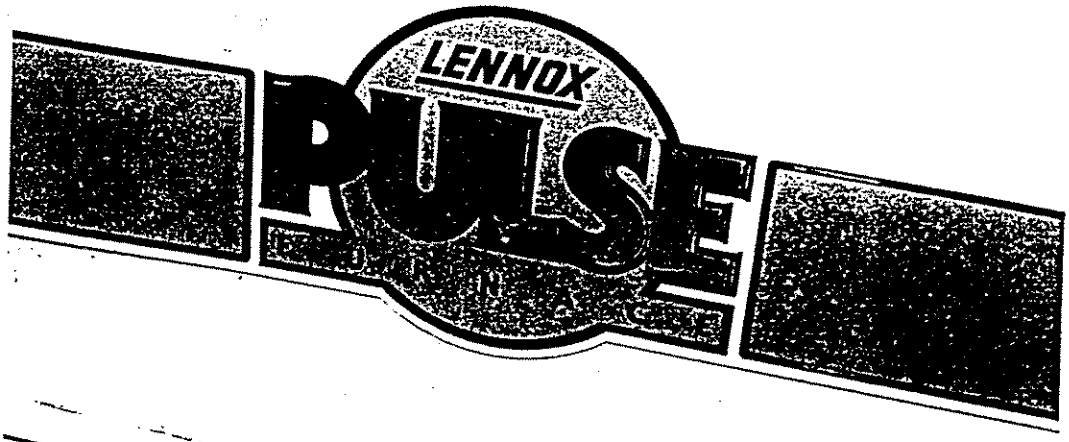


Space Gard Air cleaner -
Research Products Corp.

920608CCN2038

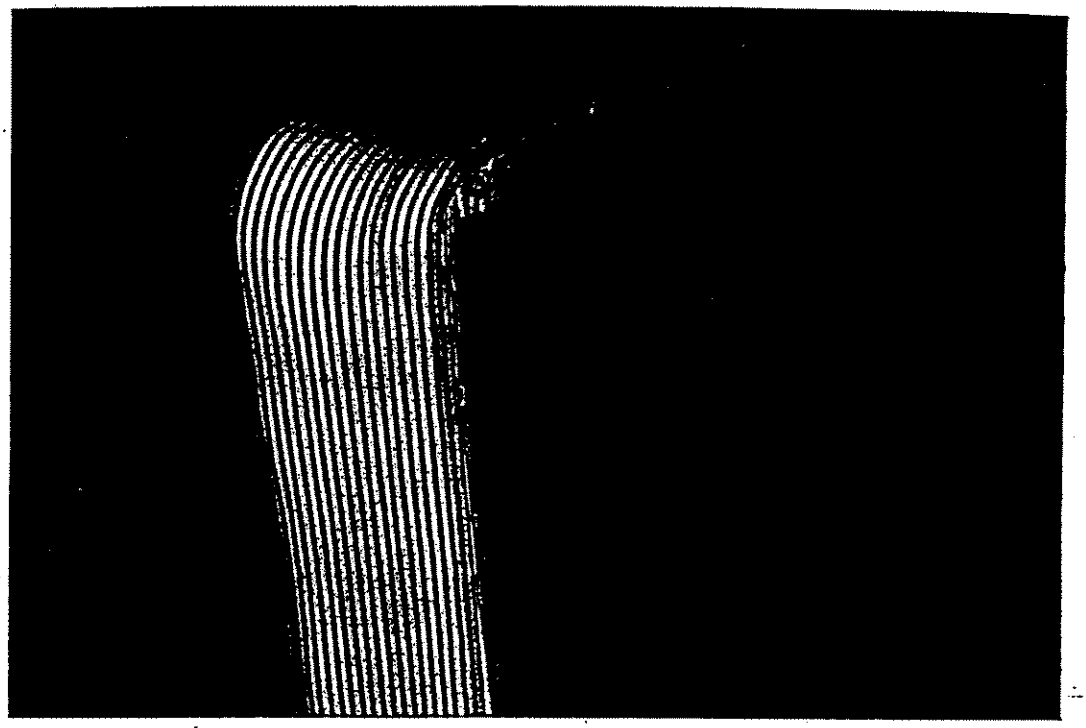


Lennox Pulse

920608CCN2038

Front and Rear Views "
"Filter Coat #1"

920608CCN2038



Soot stained mattress (Back side)

Rug with Soot Stains

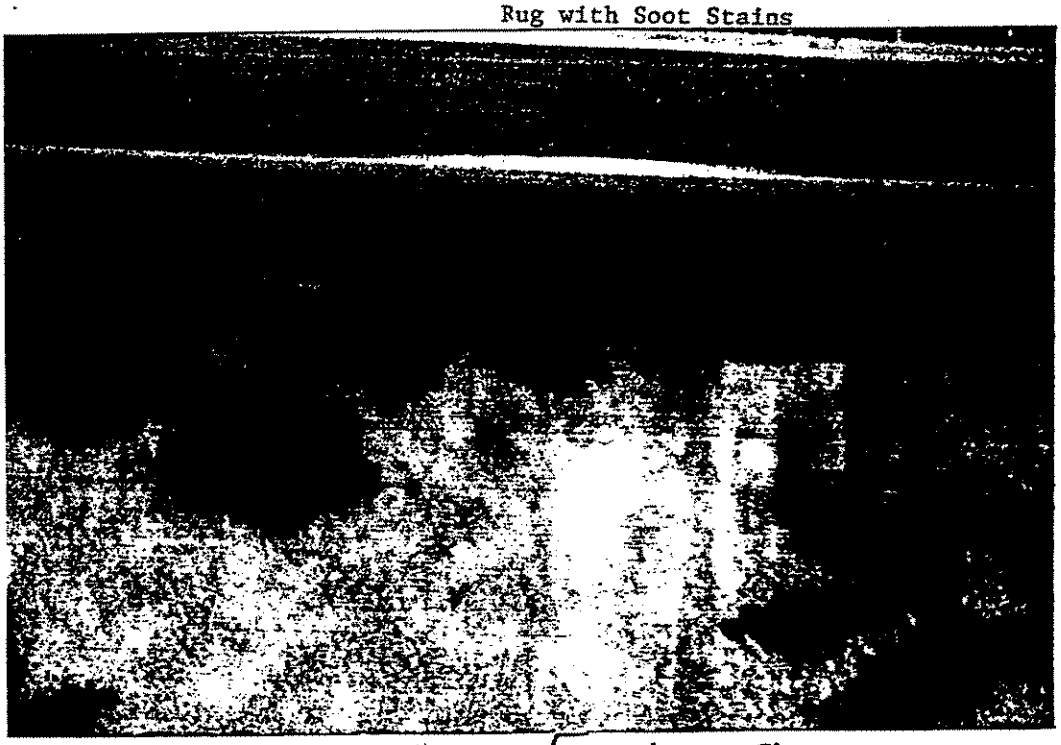
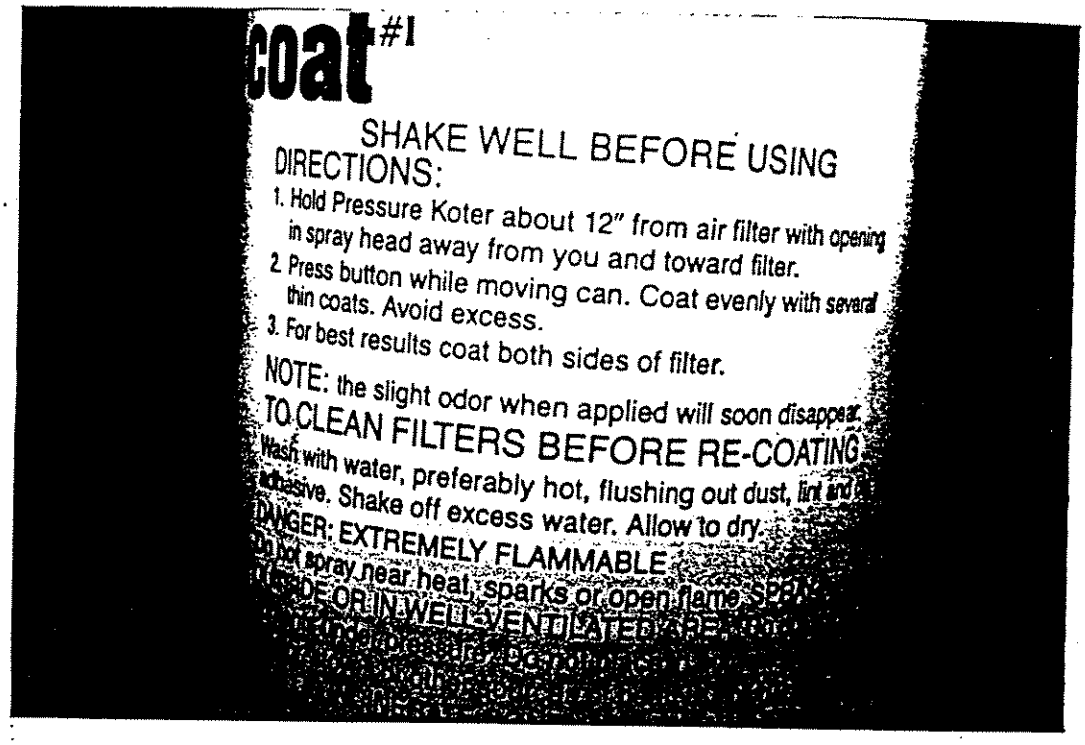


Exhibit G

920608CCN2038



coat #1

SHAKE WELL BEFORE USING

DIRECTIONS:

1. Hold Pressure Koter about 12" from air filter with opening in spray head away from you and toward filter.
2. Press button while moving can. Coat evenly with several thin coats. Avoid excess.
3. For best results coat both sides of filter.

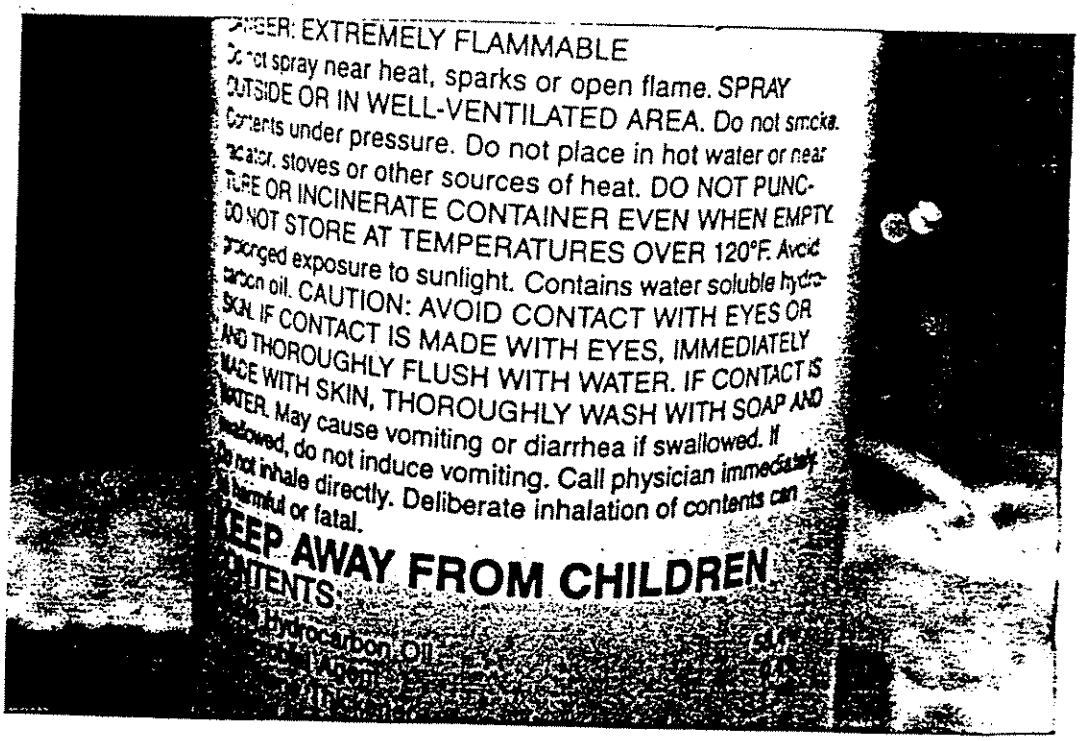
NOTE: the slight odor when applied will soon disappear.

TO CLEAN FILTERS BEFORE RE-COATING

Wash with water, preferably hot, flushing out dust, lint and adhesive. Shake off excess water. Allow to dry.

DANGER: EXTREMELY FLAMMABLE

Do not spray near heat, sparks or open flame. SPRAY OUTSIDE OR IN WELL-VENTILATED AREA.

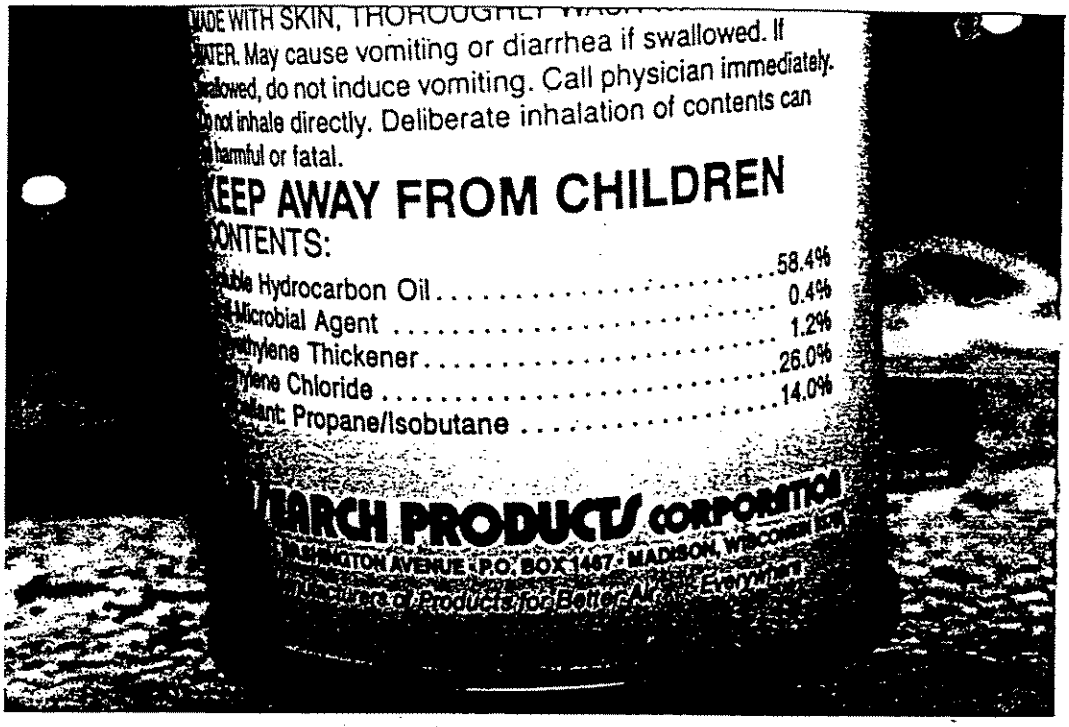


DANGER: EXTREMELY FLAMMABLE

Do not spray near heat, sparks or open flame. SPRAY OUTSIDE OR IN WELL-VENTILATED AREA. Do not smoke. Contents under pressure. Do not place in hot water or near radiator, stoves or other sources of heat. DO NOT PUNCTURE OR INCINERATE CONTAINER EVEN WHEN EMPTY. DO NOT STORE AT TEMPERATURES OVER 120°F. Avoid prolonged exposure to sunlight. Contains water soluble hydrocarbon oil. CAUTION: AVOID CONTACT WITH EYES OR SKIN. IF CONTACT IS MADE WITH EYES, IMMEDIATELY AND THOROUGHLY FLUSH WITH WATER. IF CONTACT IS MADE WITH SKIN, THOROUGHLY WASH WITH SOAP AND WATER. May cause vomiting or diarrhea if swallowed. If swallowed, do not induce vomiting. Call physician immediately. Do not inhale directly. Deliberate inhalation of contents can be harmful or fatal.

KEEP AWAY FROM CHILDREN

CONTENTS:

Hydrocarbon Oil

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