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SUMMARY OF INTERROGATORY ANSWERS

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MAKSIM v. U. S. GYPSUM COMPANY
RESPONDING DEFENDANT KELLY-MOORE PAINT COMPANY

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1. People who have supplied information used in answering these interrogatories: Jim Barry, 987 Commercial St., San Carlos, CA 94070, Assistant Treasurer; Durward Barry, 987 Commercial St., San Carlos, CA 94070, Corporate Insurance Manager; Douglas Merrill, 987 Commercial St., San Carlos, CA 94070, Assistant Plant Manager.
2. Kelly Moore is a privately-held California corporation, incorporated December 4, 1952, which has never held a certificate of authority to do business in California.
4. Professional Paints, Inc., merged into parent Kelly-Moore Paint Company on July 5, 1983. Paco Textures Corporation may have been a predecessor to one or both of these companies.
8. Kelly-Moore's records are located at 987 Commercial St., San Carlos, CA, 94070. The custodian of the corporate records is John Bacigalupo, Secretary-Treasurer. They will not produce their corporate records without a formal request for production.
9. 1960-1978: Defendant involved in mixing and/or compounding raw asbestos fiber.
10. 1960-1978: Defendant involved in selling asbestos-containing products.
- 11.(k) Carey Canadian, Johns-Manville and Union Carbide supplied asbestos fiber to Kelly-Moore.
- 11.(l) Contends that complete sales records are not available regarding sales of asbestos-containing products to other companies in California.
12. Kelly-Moore did not use any distributors in California or in the San Francisco Bay Area.
13. Contends no records available regarding sales of asbestos-containing products in California or the Bay Area.
20. Kelly-Moore has at its corporate address, pictures of

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most of the products which it sold.

26. Doug Merrill, plant manager, is the custodian for samples and pictures of defendant's products as well as written materials concerning them.
28. Doug Merrill and Robert Miller were involved in the decision to place warnings on asbestos-containing products.
29. Oral recommendations to wear respirators "were made available at the defendant's outlets." Although the interrogatory asks for the dates these recommendations were made, their substance, and their recipient, defendant has not answered these sub-parts.
30. Douglas Merrill currently has possession of defendant's sales materials used for marketing or advertising their products.
31. Defendant has not undertaken or financed any studies to determine what types of respirators would protect against asbestos inhalation.
32. Engineers studied Kelly-Moore plants which lead to installation of dust collectors.
34. At least two former employees have had their depositions taken, Tom Smith and Don Marquardt. Arrangements can be made with attorneys to copy.
- 36-40. Kelly-Moore is not a member of any relevant trade associations.
43. There is no information available that indicates that defendant's asbestos-containing products were ever sold or provided to the GSA or any other governmental agency.
44. Defendant has never acquired any asbestos-containing products or product lines from another company.
46. See attachment regarding insurance coverage.

RECOMMENDATIONS

1. Obtain copies of Smith and Marquardt depositions from defendant's attorneys.
2. Possible depositions: Mr. Barry, Mr. Berry, Mr. Merrill, and Mr. Miller.

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3. Obtain further answers to interrogatory number 4 (regarding defendant's predecessors and/or successors), and interrogatory number 29 (regarding recommendations to wear respirators). LETTER SENT 4-12-77 TO DEFENDANT'S COUNSEL. WE HAVE EXTENSIVELY SEARCHED FOR ANSWERS.
4. Propound RFP re: pictures of defendant's products, samples, sales records, and engineering studies.
5. Propound RFA re: authenticity, accuracy, and admissibility of defendant's product list.

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PACC TEXTURE

INTRESP #11

Mckin v USSC