

INTERROGATORY ANSWERS

UNITED STATES GYPSUM

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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
McLEAN COUNTY

TERRI BURTON, Special Administrator,) *MC*
of the Estate of RICHARD TODD,) *copy*
Deceased,) *file*

Plaintiff,

vs.

OWENS-CORNING FIBERGLAS CORPORATION,) *file*
et al.,) *file*

Defendants.

LAW NO. 93 L 291

UNITED STATES GYPSUM COMPANY'S RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

United States Gypsum Company (hereinafter "U.S. Gypsum")
has, to the best of its abilities, gathered non-privileged
documents into a document repository for inspection by
plaintiffs' counsel in response to requests for production
served in asbestos litigation. These documents provide
information that supplements and expands upon that provided in
these answers to Interrogatories. Accordingly, by way of
further response to these Interrogatories, U.S. Gypsum hereby
offers to make available these documents at a mutually
convenient time at its offices at 125 S. Franklin Street,
Chicago, Illinois.

In giving its responses to Interrogatories as to
asbestos-containing products, U.S. Gypsum refers to products
containing commercial asbestos as part of their formulation and
to the type of commercial asbestos used as part of the
formulation.

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MAR 29 1993

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

INTERROGATORY NO. 1: State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer

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who has taken the "reasonable steps to search the "corporate memory" of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporate agents" as required in Campen v. Executive House Hotel, Inc., 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

ANSWER: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

M.L. Higley, Director, Financial Services, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

INTERROGATORY NO. 2: State the name, address, phone number and subject of testimony of those persons which you will call as witnesses at trial.

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ANSWER: See this Defendant's Disclosure of Experts previously filed in this case.

INTERROGATORY NO. 3: State the following regarding each statement (whether oral or written, signed or unsigned) concerning the occurrence described in the complaint: the name and last known address of the person making the statement; when, where and by whom the statement was taken; whether there is any tangible preservation of the statement, and if so, the name and address of the person having possession of the same.

ANSWER: None.

INTERROGATORY NO. 4: If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence, state the full name and address of each such firm or adjuster.

ANSWER: None.

INTERROGATORY NO. 5: If you have any information regarding RICHARD TODD'S physical condition other than that information furnished you by Plaintiff's counsel, state the nature of the information, the name and address of its source, and if documentary in nature, its present location.

ANSWER: None other than medical records received pursuant to formal discovery.

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INTERROGATORY NO. 6: If any photos were taken of the scene of the occurrence or of the persons or objects involved, state the total number of photos, the date of each photo, and the present location of each photo.

ANSWER: None.

INTERROGATORY NO. 7: If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each such policy: the name of the company; the policy number; the effective period; the maximum liability limits; what amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available; whether the carrier denied coverage or tendered a defense under a reservation of rights; whether the policy contains and first party medical pay or disability coverage, and, if so, describe the coverage; and which, if any, of the carriers listed in your answer is providing a defense to this suit.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8: State the name and address of each person who has employed the lawyer(s) representing you in this case. Illinois Supreme Court Rule of Professional Conduct 3.3(a) (8).

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ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and privileged. Without waiving this objection, this defendant is represented by Heyl, Royster, Voelker & Allen in this matter and consents to said representation.

INTERROGATORY NO. 9: State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

ANSWER: See this defendant's response to Interrogatory No. 11. With respect to whether or not these individuals completed a residency in public health or occupational medicine, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 10: State the following about each current employee of Defendant who is an industrial hygienist: name, business address and job title.

ANSWER: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. He was succeeded in that position by R. P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

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This defendant employed H. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H. C. Brown as an industrial hygienist from 9/28/87 to 11/90.

INTERROGATORY NO. 11: Has Defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

- (a) the name and address of the person;
- (b) the name of the position he or she held;
- (c) the dates during which he or she held the position;
- (d) the address of his or her office during the time he or she held the position;
- (e) state whether there was a written job description for that position at that time;
- (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

ANSWER:

- (a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive,
Chicago, Illinois, 1974 to 8-31-89 (retired).

W. Highstone, M.D., 1939 to 1974 (deceased).

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In addition, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 1.

- (e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

INTERROGATORY NO. 12: Has Defendant ever directed or contributed money toward a study of the effects of asbestos upon the health of animals or man? If so, state the following as to each such study:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) brief description of the study;
- (d) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: U.S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds.

U.S. Gypsum Company contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

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INTERROGATORY NO. 13: Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;
- (d) the number of employees studied;
- (e) brief description of the study;
- (f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 14: Have there been any instances where asbestos was a cause of mesothelioma in man?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

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INTERROGATORY NO. 15: How much asbestos is necessary to cause mesothelioma in man?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 16: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 17: Has Defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each such warning:

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- (a) the language of the warning;
- (b) date first issued or distributed;
- (c) date last issued or distributed;
- (d) the method of communication or distribution used;
- (e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

ANSWER: Specifically with respect to mesothelioma, not to this defendant's best current knowledge, information and belief. With respect to other warnings issued by this defendant on its asbestos-containing products, see attached Exhibit No. 3.

INTERROGATORY NO. 18: If your answer to the preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

ANSWER: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 19: If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning provided the persons at risk of contracting mesothelioma with a sane appreciation of the

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severity of the disease and the probability of contracting the same.

ANSWER: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 20: Did Defendant sell, ship or deliver any asbestos containing products to any of the entities or sites listed on Exhibit B to the Complaint? If so, state the following:

- (a) the type and quantity sold, shipped or delivered;
- (b) the date;
- (c) describe or attach the documents evidencing such sale or shipment.

ANSWER: Objection. This Interrogatory is overbroad in scope of time. This defendant discontinued manufacturing products with asbestos as part of their formulations in 1977. Inquiries into years subsequent to 1977 will not lead to the discovery of admissible evidence. Without waiving this objection, this defendant responds as follows:

U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U.S. Gypsum sold its construction products either directly to independent

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contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606, pursuant to a properly filed request to produce.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 21: If your response to any interrogatory is an objection that it was burdensome, state the name, address and position of the person most knowledgeable about the effort that would be required to answer the interrogatory and the estimate of that person regarding the man-hours that would be required to answer the interrogatory.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, M. L. Higley, declare:

I am the Director, Financial Services, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

I have read the foregoing Answers, Objections, and other Responses to Plaintiffs' Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on March 25, 1996 in Chicago, Illinois.

M. L. Higley
M. L. Higley

Subscribed and sworn to before me
this 25 day of March, 1996.

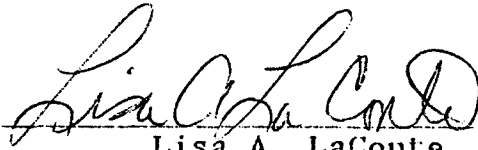
Sandra D. Hunter
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 28th day of March, 1996.

(See attached list)



Lisa A. LaConte

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February 1, 1989

Schedule

Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.
J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.
W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.
O. Beck, M.D.
J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.
S. L. Gilbert, M.D.
F. C. Atkinson, M.D.
R. F. Duchouquette, M.D.
W. D. Stevenson, M.D.
D. H. Waddell, M.D.
R. R. Henry, M.D.
Z. L. Dameron, M.D.
W. D. Lee, M.D.
A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.
J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.
P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Veisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic

J. M. Watson, M.D.

M. Raymond, M.D.

J. C. Kelly, M.D.

F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.

J. Anable, M.D.

Dr. Cook

South Gate, California

H. Caesar, M.D.

Family Medical Clinic

(Various physicians. Names unavailable)

Firestone Medical Group

(Various physicians. Names unavailable)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.

I. J. Bruhn, M.D.

J. A. Carroll, M.D.

A. C. Sapida, M.D.

Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.

E. Staffier, M.D.

A. C. Leavitt, M.D.

Sullivan Square

American Mutual Insurance Clinic

Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.

F. B. Nelson, M.D.

C. F. Dent, M.D.

E. E. Goe, M.D.

S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.

F. W. Nicklas, M.D.

H. Hagan, M.D.

Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.

L. Devira, M.D.

Franklin Park Medical Center

V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic

Fahey Medical Center

Rush Presbyterian - St. Lukes Occupational
Health Center

Galena Park, Texas

J. Nichols, M.D.

Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.

R. E. Noyes, M.D.

R. N. Malouf, M.D.

J. G. McGuarrie, M.D.

G. A. Buchanan, M.D.

J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.

W. H. Whitmore, M.D.

G. A. Duncan, M.D.

F. Walter, M.D.

A. A. Burke, M.D.

R. L. Payne, M.D.

J. L. Rosenthal, M.D.

P. B. Parsons, M.D.

J. Sakakini, M.D.

K. Jones, M.D.

V. H. Ober, M.D.

Dr. Albanese

J. Foster, M.D.

G. G. Hollins, M.D.

Dr. Labstein

J. M. Ratliff, M.D.

J. A. Vann, M.D.

C. B. Trower, M.D.

R. W. Adams, M.D.

R. R. Powell, M.D.

C. Pole, M.D.

G. A. Duncan, M.D.

Norfolk, Virginia (continued)

D. C. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger
Dr. Natelson
Dr. Zuka
Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.
J. F. Roules, M.D.
Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.
R. M. LaSalle, Jr., M.D.
R. M. LaSalle, Sr., M.D.
R. M. LaSalle, M.D.
W. D. Boaz, M.D.
P. Ferguson, M.D.
F. Smyrniotis, M.D.
J. E. Haughn, M.D.
LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.
F. G. Mainolfi, M.D.
Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North
Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.
J. Dean, M.D.
Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.
R. Kirby, M.D.
T. Perry, M.D.
R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worcester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic
W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Cambell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.
R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.

Alabaster, Michigan (continued)

J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Convers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, MN for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960s prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquire the facility in late 1985.

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically now it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

RESPONSE

U.S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

"Caution: Contains
Asbestos Fibers. Avoid
Creating Dust. Breathing
Asbestos Dust May Cause
Serious Bodily Harm"

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U.S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966.

"Contains Asbestos"

The following appeared on SprayDon in subsequent years.

"Caution: This product
contains asbestos."
(1968)

"Caution: This product
contains asbestos which
may be harmful to lungs
if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W.W. Henry Company and resold by U.S. Gypsum, the following appeared on the label for this product after 1972:

Contents
Asphalt Petroleum Spirits
Asbestos Fiber

U.S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient on packaging for its texture product, Imperial QT. Investigation continuing.

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RICHARD TODD, Deceased

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ATTORNEYS FOR COMBUSTION ENGINEERING, INC. (Settled)

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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
McLEAN COUNTY

NANCY KEILHACK, Individually and as)
Special Administrator of the Estate)
of THOMAS KEILHACK, Deceased,)

Plaintiff,)

vs.)

LAW NO. 92 L 212

OWENS-CORNING FIBERGLAS CORPORATION,)
et al.,)

Defendants.)

ANSWERS TO INTERROGATORIES

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY, by HEYL, ROYSTER, VOELKER & ALLEN, its attorneys, and for answer to the Interrogatories previously propounded to it by the plaintiff, NANCY KEILHACK, Individually and as Special Administrator of the Estate of THOMAS KEILHACK, Deceased, states as follows:

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiff's counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Interrogatories. Accordingly, by way of further response to these Interrogatories, U.S. Gypsum hereby offers to make available these documents at a mutually

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convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the

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discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

INTERROGATORY NO. 1: Have these interrogatories been answered fully and in good faith to the extent of the actual knowledge and information available to Defendant, ARMSTRONG WORLD INDUSTRIES, INC., its insurance carrier(s) and attorneys?

ANSWER: Objection. With respect to this defendant's insurance carriers, see Prefatory Statement. This defendant responds to these Interrogatories on behalf of itself. Without waiving this objection, and with respect to United States Gypsum Company, yes.

INTERROGATORY NO. 2: Is the Defendant, ARMSTRONG WORLD INDUSTRIES, INC., a corporation? If so, state:

- (a) The exact corporate name;
- (b) The state of incorporation;
- (c) The name and address and position within Defendant of the person providing sworn answers to these interrogatories.

ANSWER: Yes.

- (a) United States Gypsum Company.
- (b) Delaware.
- (c) M. L. Higley, Director, Financial Services, Unites States Gypsum Company, has reviewed these responses for the purposes of satisfying the verification requirements. These responses have been prepared based on the continual review of documents located in this defendant's files and information

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obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these responses or to identify each document which may have provided information used in preparing these responses.

INTERROGATORY NO. 3: Has anyone obtained from any person a statement (whether oral or written, signed or unsigned) concerning the occurrence involved in this cause of action? If so, state as to each statement:

- (a) The name and last known address of the person making the statement;
- (b) When, where and by whom the statement was taken;
- (c) Is there any tangible preservation of the statement, such as a document signed by the person making the statement, a tape-recording, a transcript or a memorandum purporting to reflect what was said?
- (d) If your answer to (c) is affirmative, state the name and address of the person having possession of the tangible preservation of the statement.

ANSWER: As to this particular case, no statements have been obtained, except during the course of formal discovery proceedings.

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INTERROGATORY NO. 4: Has any private firm or company adjustor been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence? If so, state the full name and address of each firm or adjustor.

ANSWER: As to this particular case, no.

INTERROGATORY NO. 5: Do you have any information regarding Thomas Keilhack's physical condition other than that information furnished you by Plaintiff's counsel? If so, state the nature of that information, the name and address of its source, and if documentary in nature, who now has each.

ANSWER: No, other than those obtained through formal discovery.

INTERROGATORY NO. 6: Were any photos taken of Thomas Keilhack? If so, state the total number of photos, the date of each photo, and who has each.

ANSWER: None by this defendant.

INTERROGATORY NO. 7: Were you named or covered under any policy of liability insurance, effective on the date of the occurrence, which may be construed to provide coverage for any claim stated in the Complaint? If so, as to each policy, state:

- (a) The name of the company;
- (b) The policy number;
- (c) The effective period;

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- (d) The maximum liability limits for:
 - (1) Injury to any one person;
 - (2) Aggregate personal injury limits;
- (e) What amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available;
- (f) Whether the carrier denied coverage or tendered a defense under a reservation of rights;
- (g) Whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage.

ANSWER: See attached Exhibit No. 1.

INTERROGATORY NO. 8: Which, if any, of the carriers listed in your answer to the preceding interrogatory are providing a defense to this suit?

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9: Identify those expert witnesses (as defined in Supreme Court Rule 220(a)(1) from whom you may offer opinion testimony at trial, and for each such expert, state:

- (a) His name, current address, telephone number, occupation, and employer;
- (b) The subject matter on which the expert is expected to testify;
- (c) His conclusions and opinions and the basis therefore;

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- (d) His qualifications, including all formal education subsequent to high school, a history of his employment and the citation to each of his published writings;
- (e) The amount paid, or agreed to be paid to him, specifying his hourly rate of compensation;
- (f) The name of the first plaintiff, first defendant, the court in which filed, and the cause number for every cause in which such expert has testified, whether at deposition or trial, and the date of his testimony.

ANSWER: Please see our Disclosure of Experts previously filed.

INTERROGATORY NO. 10: Identify with specificity any documents, objects, and tangible things, as defined in Supreme Court Rule 214, which are or were in the possession of any consulting expert as defined in Supreme Court Rule 220 which do not contain the consulting expert's opinion.

ANSWER: None at this time.

INTERROGATORY NO. 11: Has Defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

- (a) The name and address of the person;
- (b) The name of the position he or she held;
- (c) The dates during which he or she held the position;

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- (d) The address of his or her office during the time he or she held the position;
- (e) State whether there was a written job description for that position at that time;
- (f) If there was a written job description, set forth the words of the description or attach a copy hereto.

ANSWER:

- (a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive, Chicago, IL, 1974 to 8/31/89 (retired).

W. Highstone, M.D., 1939 to 1974 (deceased).

In additional, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 2.

- (e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

INTERROGATORY NO. 12: Has Defendant ever directed or contributed money toward a study of the effects of asbestos

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exposure upon the health of some or all of its employees? If so, state the following as to each such study:

- (a) The description or title of the study;
- (b) The dates during which it was made;
- (c) The location or locations of the plants at which the employees were employed;
- (d) The number of employees studied;
- (e) Brief description of the study;
- (f) Whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 13: Have there been any studies of the effect of asbestos exposure upon the health of any of Defendant's employees? If so, state:

- (a) The description or title of the study;
- (b) The dates during which it was made;
- (c) The location or locations of the plants at which the employees were employed;
- (d) The number of employees studied;
- (e) Brief description of the study;
- (f) Whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a

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mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 14: Is there a disease or disease process known as asbestosis?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 15: Is asbestosis caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

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INTERROGATORY NO. 16: If your answer to the preceding interrogatory is in the affirmative, when did Defendant first learn that asbestosis was caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 17: Is there a disease or disease process known as lung cancer?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 18: Can lung cancer be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper

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form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 19: If your answer to the preceding interrogatory is in the affirmative, when did Defendant first learn that lung cancer can be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 20: Does exposure to asbestos increase the incidence of lung cancer?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to

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obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 21: If your answer to the preceding interrogatory is in the affirmative, state when Defendant first learned that exposure to asbestos increased the incidence of lung cancer.

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 22: Is there a disease or disease process known as mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

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INTERROGATORY NO. 23: Can mesothelioma be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 24: If your answer to the preceding interrogatory is in the affirmative, when did Defendant first learn that mesothelioma can be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 25: Does exposure to asbestos increase the incidence of mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper

form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 26: If your answer to the preceding interrogatory is in the affirmative, state when Defendant first learned that exposure to asbestos increased the incidence of mesothelioma.

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 27: Is there a disease or disease process known as cancer of the gastrointestinal tract?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is

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qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 28: Can cancer of the gastrointestinal tract be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 29: If your answer to the preceding interrogatory is in the affirmative, when did Defendant first learn that cancer of the gastrointestinal tract can be caused by exposure to asbestos?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

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INTERROGATORY NO. 30: Does exposure to asbestos increase the incidence of cancer of the gastrointestinal tract?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 31: If your answer to the preceding interrogatory is in the affirmative, state when Defendant first learned that exposure to asbestos increased the incidence of cancer of the gastrointestinal tract.

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 32: List the following information for each claim brought against Defendant by a present or former employee of Defendant or the spouse or child of a deceased such

employee alleging a disease or condition of ill-being caused by asbestos:

- (a) The name and address of the person alleged to be diseased or in a condition of ill-being;
- (b) When the alleged disease or condition of ill-being began;
- (c) The circumstances under which the employee is alleged to have come into contact with asbestos;
- (d) Whether the person is represented by an attorney, and if so, the name and address of his attorney;
- (e) The agency where the claim was filed, the docket number of the claim and the date the claim was filed.

ANSWER: U.S. Gypsum objects to this Interrogatory to the extent it seeks information which is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Additionally, U.S. Gypsum objects to the production of confidential medical records of employees or former employees whose consent for such production has not been obtained. Finally, U.S. Gypsum objects to this Interrogatory to the extent it seeks information which is protected from discovery by virtue of the attorney-client privilege or the attorney work product doctrine.

Subject to the foregoing objection, U.S. Gypsum will make available to plaintiff for its inspection and review workmen's compensation face sheets alleging asbestos-related injuries, as

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noted on those face sheets pursuant to a properly filed motion to produce.

INTERROGATORY NO. 33: List the following information for each claim, not identified in your answer to the preceding interrogatory, brought against Defendant by a present or former employee of Defendant or the spouse or child of a deceased employee alleging a disease or condition of ill-being caused by asbestos:

- (a) The name and address of the person alleged to be diseased or in a condition of ill-being;
- (b) When the alleged disease or condition of ill-being began;
- (c) The circumstances under which the employee is alleged to have come into contact with asbestos;
- (d) Whether the person is represented by an attorney, and if so, the name and address of his attorney;
- (e) The agency where the claim was filed, the docket number of the claim and the date the claim was filed.

ANSWER: See this defendant's response to Interrogatory No. 32.

INTERROGATORY NO. 34: List the following information for each claim or report, not identified in your answer to any preceding interrogatory, alleging a disease or condition of ill-being caused by asbestos or an asbestos containing product sold by Defendant:

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- (a) The name and address of the person alleged to be diseased or in a condition of ill-being;
- (b) When the alleged disease or condition of ill-being began;
- (c) The circumstances under which the employee is alleged to have come into contact with asbestos sold by you;
- (d) Whether the person is represented by an attorney, and if so, the name and address of his attorney;
- (e) Whether the claim has resulted in a lawsuit against you, and if so, the court where suit was filed, the docket number of the suit, and the date the suit was filed.

ANSWER: See this defendant's response to Interrogatory No. 32.

INTERROGATORY NO. 35: List the following information regarding each document (as defined in Supreme Court Rule 201(b)(1) authored by an employee of Defendant in the course of his employment, dealing in whole or in part with the consequences of exposure to asbestos:

- (a) Name, title or other means of identification of the document;
- (b) Name, position at time document authored, and current address, position and employer of each author of the document;
- (c) Date prepared or published;
- (d) The name and address of the entity responsible for its publication and/or distribution;
- (e) If available in typewritten or printed form, the number of pages.

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ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 36: When did Defendant first sell asbestos or products containing asbestos?

ANSWER: This defendant never sold asbestos. With regard to the sale of products containing asbestos, see attached Schedule D.

INTERROGATORY NO. 37: Does Defendant still sell asbestos or products containing asbestos? If not, when did Defendant stop selling?

ANSWER: This defendant never sold asbestos. With regard to the sale of products containing asbestos, see attached Schedule D.

INTERROGATORY NO. 38: List the following information about each different type (as opposed to different sizes of the same type) of asbestos containing building and/or insulation product manufactured or sold by Defendant:

- (a) Brand or trade name;
- (b) Description;
- (c) Uses Defendant recommended of it;
- (d) Asbestos content;
- (e) Dates of manufacture and/or sale.

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ANSWER:

- (a-c) See attached Schedule D.
- (d) See attached Exhibit No. 4
- (e) See attached Schedule D.

INTERROGATORY NO. 39: Has Defendant, at any time since it began selling asbestos or asbestos containing products, issued a warning concerning the consequences of exposure to asbestos, which warning was intended by Defendant to reach those persons who would breath or ingest asbestos or asbestos containing products during their distribution and/or use? If so, state as to each such warning:

- (a) The language of the warning;
- (b) Date first issued or distributed;
- (c) Date last issued or distributed;
- (d) The method of communication or distribution used;
- (e) The name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

ANSWER: See attached Exhibit No. 5.

INTERROGATORY NO. 40: If your answer to the preceding interrogatory is in the affirmative, state the following as to the first information Defendant received that exposure to asbestos caused disease:

- (a) The form in which it was received, orally, in writing;

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- (b) If orally, the name and address of the person from whom received;
- (c) If the information was received in written form, give the author, title of the document, and date of the document;
- (d) The name and address of the employee or employees who received the information;
- (e) Briefly describe the information.

ANSWER: See attached Exhibits Nos. 3 and 5.

INTERROGATORY NO. 41: If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee who was responsible to investigate whether:

- (a) The warnings were reaching the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;
- (b) The warnings were being read by the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;
- (c) The warnings were being understood by the persons who were breathing and/or ingesting the asbestos from the asbestos containing products;
- (d) The warnings were being heeded by the persons who were breathing and/or ingesting the asbestos from the asbestos containing products.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

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INTERROGATORY NO. 42: Did Defendant ever have one or more employees who routinely performed the task of sawing asbestos containing pipe covering?

If so, state the following:

- (a) The name and address of each plant at which the process was conducted, and the inclusive period of years during which the process was conducted, at that plant;
- (b) The number of employees who performed the task for one year or more;
- (c) The name and address of each employee who performed the task for one year or more at one of Defendant's plants and who was known by Defendant to be free of asbestos disease 25 years or more after having first performed the task for at least one year.

ANSWER: Objection. This Interrogatory is vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Further, this defendant has employed thousands of employees since its inception and thus it would be impossible to determine who would have the knowledge or information that plaintiff is seeking. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

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INTERROGATORY NO. 43: List the following information regarding each worker or group of workers who, as of 1960, had used asbestos containing building or insulation products for 25 years or more and were known by Defendant to be free of asbestos disease:

- (a) Current name and address;
- (b) Location(s) and inclusive dates of asbestos product usage;
- (c) Date(s) of the examination(s) which revealed the worker to be free of asbestos disease.

ANSWER: Objection. This Interrogatory is vague and ambiguous, overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 44: List the following information regarding each instance where an employee of Defendant testified (at deposition or trial) in asbestos disease litigation:

- (a) Name of employee;
- (b) Date and place testimony was given;
- (c) First named plaintiff and defendant, case number and court in which pending;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

ANSWER: See attached Exhibit No. 6.

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INTERROGATORY NO. 45: List the following information regarding each instance where an individual whom you had listed, retained or called as an expert witness testified (at deposition or trial) in asbestos disease litigation:

- (a) Name of employee;
- (b) Date and place testimony was given;
- (c) First named plaintiff and defendant, case number and court in which pending;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 46: List the name and address of all international unions and local unions which have represented employees of Defendant while the employees were using asbestos containing products or were being exposed to asbestos, and indicate the address of the plant or group of employees represented and the date of such representation.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant,

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immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 47: Did any of the unions listed in your answer to the previous interrogatory ever instruct, advise or caution your employees on the safe handling of asbestos or precautions to be taken when working in airborne asbestos?

If so, please state for each instruction, advice or warning:

- (a) The name and address of the union and person instructing, advising or warning your employees;
- (b) The method and content of the instruction, advice or warning;
- (c) The dates of the instruction, advice or warning;
- (d) Whether the union ever promulgated, recommended or bargained for any regulations, standards or guidelines concerning the safe handling of asbestos or precautions to be taken when working in airborne asbestos.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this

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objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 48: Did Defendant sell, ship or deliver any asbestos containing products to any of the sites on Exhibit A? If so, state the following:

- (a) The type and quantity sold, shipped or delivered;
- (b) The date;
- (c) Describe or attach the documents evidencing such sale or shipment.

ANSWER: U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U.S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can

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establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 49: List the following information regarding each instance known to Defendant where an individual has testified (at deposition or trial) that a product manufactured or sold by Defendant was present or used at any of the sites on Exhibit A (in lieu of providing the answers to the following, you may provide a transcript of the testimony and Plaintiff's lawyer will pay your charges for providing the same):

- (a) Name and address of witness;
- (b) First named plaintiff, case number, and court in which case is pending;
- (c) Date of testimony;
- (d) Name and address of reporter;
- (e) Whether you have a transcript of the testimony.

ANSWER: None to this defendant's best current information, knowledge and belief. See this defendant's response to Interrogatory No. 48.

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INTERROGATORY NO. 50: On what date did Defendant first become aware that asbestosis was a compensable occupational disease under a State Worker's Compensation Act? (Source: GAF'S Int. 53 in Reed, 83 L 68).

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 51: Please describe the date, place and circumstances under which Defendant first became aware that any adverse effects of exposure to asbestos and asbestos containing materials may be cumulative in nature and that continued exposure to such materials by one suffering from asbestosis or related illnesses might have a significant adverse effect upon the extent and severity of such illness. In addition, please state:

- (a) The specific identity of each source of information providing or leading to such awareness; and
- (b) Any change in Defendant's behavior, work rules, etc., precipitated by such awareness. (Source: GAF's Int. 54 in Reed, 83 L 68).

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ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 3.

INTERROGATORY NO. 52: Did Defendant ever suggest or recommend that persons using or exposed to the dust from Defendant's asbestos containing products might or should use any device to reduce exposure to, or inhalation of, asbestos dust or fibers? If so, please state for each and every such suggestion or recommendation:

- (a) Date, time and place when each such suggestion or recommendation was made;
- (b) Identify each person present when such suggestion or recommendation was made to or received by Plaintiff;
- (c) Identify each person receiving same or similar suggestion or recommendation;
- (e) Whether such suggestions or recommendation was written or oral, and
 - (1) If written, please identify in detail each such writing;
 - (2) If oral, identify all persons involved and details as to the manner in which each such suggestion or recommendation was presented;
- (f) Type, make and model of each device referred to in each such suggestion or

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recommendation. (Source: GAF's Int. 58 in Reed, 83 L 68).

ANSWER: All packaging contained the product name, this defendant's name, directions and instructions for use. In addition, see attached Exhibit No. 5.

INTERROGATORY NO. 53: Identify all documents of which you have knowledge, including but not limited to medical articles, medical journals, case reports, textbooks, abstracts, or synopses, which you believe relate to your "state-of-the-art" defense. (Source: GAF's Int. 89 in Reed, 83 L 68).

ANSWER: Objection: overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 54: List the name and present address of all persons who have been a director in Defendant from the date of its incorporation to the present and list the dates during which the person was a director.

ANSWER: Information sought in this Interrogatory is available in this defendant's annual reports. Copies of annual reports that plaintiff can establish are relevant to this litigation will be made available for plaintiff's inspection at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL 60606, pursuant to a properly filed request to produce.

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INTERROGATORY NO. 55: List the name and current address of each person who has held any of the following offices in Defendant from the date of its incorporation to the present and also list the office held and the inclusive date during which the office was held: President; Vice-President; Secretary; and Treasurer.

ANSWER: See this defendant's response to Interrogatory No. 54.

INTERROGATORY NO. 56: Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to how or why the occurrence described in the Complaint took place.

ANSWER: None at this time, discovery continues.

INTERROGATORY NO. 57: Pursuant to Supreme Court Rule 213(e), identify and give the location of those persons, not previously disclosed, having knowledge of facts relevant to the nature and extent of Thomas Keilhack's injury.

ANSWER: None at this time, discovery continues.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, M. L. Higley, declare:

I am the Director, Financial Services of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

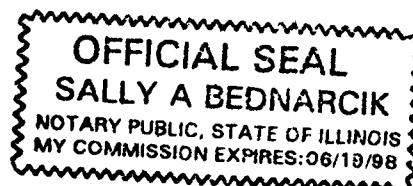
I have read the foregoing Answers, Objections, and other Responses to Plaintiff's Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on December 18, 1995 in Chicago, Illinois.

M. L. Higley
M. L. Higley

Subscribed and sworn to before me
this 18th day of December 1995.

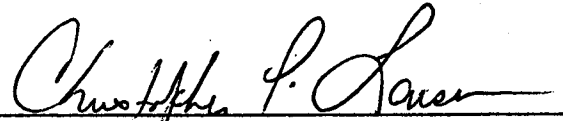
Sally A. Bednarcik
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 29th day of December, 1995.

(See attached list)



Christopher P. Larson

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ASBESTOS-CONTAINING PRODUCTS MANUFACTURED BY U.S. GYPSUM

The dates listed here are taken from product operating bulletins which governed the manufacturing process. The cancellation of these operating bulletins usually coincided with cessation of production, but occasionally bulletins would remain uncanceled after the manufacture of a product had been discontinued. Consequently, the years shown for cancellation of authorization are believed to be the last possible year of manufacture, although manufacture may have in fact ended earlier. In certain instances, records other than operating bulletins have been utilized to establish years of actual production, rather than years of authorization for manufacture. Such instances are identified in footnotes. Temporary and trial production runs are included (along with regular production). These have been footnoted for Firecode and can be determined for other products from a review of operating bulletins. With texture products, such runs were occasionally given slight name variations.

<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
SABINITE ¹	Acoustical Plaster	1930 1930 1930 1930 1939 1930 1931 1931	1945 1964 ² 1945 1946 1945 1964 ² 1964 1948	East Chicago, IN Fort Dodge, IA Gypsum, OH Midland, CA Nephi, UT New Brighton, NY Hagersville, CAN ³ Hillsborough, CAN ³
RED TOP ACOUSTICAL PLASTER	Acoustical Plaster	1951 1951	1953 1953	Fort Dodge, IA New Brighton, NY
HI-LITE	Acoustical Plaster	1953 1953 1955 1955	1954 1954 1972 1972	Fort Dodge, IA ⁴ New Brighton, NY ⁴ Fort Dodge, IA New Brighton, NY
AUDICOTE ³	Acoustical Plaster	1954 1954 1955 1961	1972 1972 1956 1975	Fort Dodge, IA New Brighton, NY Midland, CA ⁴ Hagersville, CAN ³

December 22, 1994

<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
RED TOP GYPSUM PLASTER (marketed as CEMENT PLASTER until 1967) ⁷	Building Plaster	1943 1950 1944 1955 only	1947 1971 1974	Loveland, CO Hagersville, CAN ³ Hillsborough, CAN ³ Montreal, CAN ³
RED TOP GYPSUM PLASTER FOR MACHINE APPLICATION (marketed as CEMENT PLASTER FOR MACHINE APPLICATION until 1967) ⁷	Building Plaster	1961 1961 1962 1959 only 1957 1957	1966 1966 1966 1972 1972	Detroit, MI Gypsum, OH Oakfield, NY Southard, OK ⁸ Hagersville, CAN ³ Montreal, CAN ³
RED TOP TROWEL FINISH	Building Plaster	1930 1930 1950 1930 1930	1935 1935 1951 1935 1935	East Chicago, IN Fort Dodge, IA Fort Dodge, IA Gypsum, OH New Brighton, NY
WAINSCOAT TROWEL FINISH	Building Plaster	1946 1946 only	1953	Fort Dodge, IA Southard, OK
ORIENTAL INTERIOR FINISH	Building Plaster	1942 1942 1942 1949 1942 1942 1949 1942	1944 1972 1944 1950 1946 1971; 1972 1950 1972	Boston, MA Fort Dodge, IA Gypsum, OH Jacksonville, FL Milwaukee, WI New Brighton, NY Norfolk, VA Oakfield, NY

December 22, 1994

<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
ORIENTAL EXTERIOR FINISH STUCCO'	Building Plaster	1942	1944	Philadelphia, PA
		1949	1973	Philadelphia, PA
		1942	1973	Sweetwater, TX
		1932	1944	Boston, MA
		1930	1973	Fort Dodge, IA
		1930	1944	Gypsum, OH
		1949	1972	Jacksonville, FL
		1932	1946	Milwaukee, WI
		1930	1972	New Brighton, NY
		1949	1973	Norfolk, VA
RED TOP PATCHING PLASTER	Building Plaster	1930	1972	Oakfield, NY
		1932	1944	Philadelphia, PA
		1949	1972	Philadelphia, PA
		1930	1972	Sweetwater, TX
		1964	1974	Montreal, CAN'
		1929	1947	Gypsum, OH
		1942	1951	Milwaukee, WI
		1929	1946	Nephi, UT
		1929	1947	New Brighton, NY
		1944	1947	South Gate, CA
RED TOP COVER COAT FINISH PLASTER	Building Plaster	1948	1964	New Brighton, NY
		1948	1954	Southard, OK
		1956 only		Southard, OK

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
RED TOP WOOD FIBER PLASTER REGULAR BASECOAT	Building Plaster	1931 1945 1930 1952 1931 1948 1931 1945 1940 1945 1945 1945 1931 1945 1948 1931 1936	1941 1963 1972 1960 1963 1952 ? 1972 ? 1966 1959 1952 1940 1960 1972 1967 1965	Detroit, MI Detroit, MI East Chicago, IN Empire, NV Fort Dodge, IA Gerlach, NV Gypsum, OH Heath, MT Laramie, WY Loveland, CO Midland, CA Nephi, UT Oakfield, NY Plaster City, CA Sigurd, UT Southard, OK Sweetwater, TX
RED TOP WOOD FIBER PLASTER MACHINE APPLICATION-BASECOAT	Building Plaster	1961 1963 1960	1972 1966 1961	East Chicago, IN Fort Dodge, IA Plaster City, CA

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
RED TOP STRUCTOLITE PLASTER FOR MACHINE APPLICATION-BASECOAT'	Building Plaster	1955 1955 1971 1954 1954 1955 1964 1955 1955 1955 1955 1955 1955 1955 1955 1955 1957 1954 1954	1962 1962 1972 1963 1960 1963 1973 1962 1962 1962 1959 1963 1962 1962 1962 1963 1962 1962 1962 1962 1962 1963 1962 1962 1962 1962 1963	Boston, MA Detroit, MI Detroit, MI East Chicago, IN Empire, NV Fort Dodge, IA Fort Dodge, IA Gypsum, OH Jacksonville, FL Loveland, CO Milwaukee, WI New Brighton, NY Norfolk, VA Oakfield, NY Philadelphia, PA Plaster City, CA Plasterco, VA Shoals, IN Southard, OK Sweetwater, TX
RED TOP BONDCRETE PLASTER-BASECOAT'	Building Plaster	1940 1964 1961	1943 1975 1970	Midland, CA Hagersville, CAN' Montreal, CAN'
RED TOP SANDED WALL PLASTER'	Building Plaster	1937 1931	1940 1937	Black Rock, NY Detroit, MI
PYROBAR MORTAR MIX'	Tile Cement	1967 1965	1970 1972	East Chicago, IN New Brighton, NY
ACOUSTONE 120	Ceiling Tile	1968 1968	1976 1976	Gypsum, OH Walworth, WI

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
ACOUSTONE 180	Ceiling Tile	1966 1966	1975 1975	Gypsum, OH Walworth, WI
RED TOP FIRECODE PLASTER	Fireproofing Plaster	1962 1962 1959 ¹⁰ 1960 1959 ¹⁰ 1961 1959 ¹⁰ 1962 1962 1961 1962 1964 only	1963 1963 1964 1964 1964 1964 1964 1963 1963 1963 1963	Boston, MA' Detroit, MI' East Chicago, IN Empire, NV Fort Dodge, IA Gypsum, OH New Brighton, NY Oakfield, NY' Philadelphia, PA' Sperry, IA Stony Point, NY' Hagersville, CAN ³ ,
RED TOP FIRECODE "V" PLASTER	Fireproofing Plaster	1965 1962 1962 1962 1962 1964 1962 1962 1963 1962 1962 1962 1967 1962 1962 1962 1967 1962 1963 1963 1968 1963 1963 1969 1963	1969 1963 1963 1969 ¹¹ 1969 ¹¹ 1965 1963 1968 1967 1969 ¹¹ 1963 1963 1968 1963 1963 1969 ¹¹ 1963 1963 1969 1969 ¹¹	Baltimore, MD Boston, MA' Detroit, MI' East Chicago, IN Empire, NV Fort Dodge, IA Galena Park, TX' Gypsum, OH Midland, CA New Brighton, NY Oakfield, NY' Philadelphia, PA' Plaster City, CA Stony Point, NY' Sweetwater, TX Hagersville, CAN ³

Decemb 22, 1994

<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
SPRAYDON STANDARD A ¹²	Fireproofing Plaster	1965 1967 ²⁴ 1970	1971 1971 1971	Plainfield, NJ Torrance, CA Weston, CAN ³
SPRAYDON STANDARD G ¹²	Fireproofing Plaster	1968 1968 1970 only	1970 1970	Plainfield, NJ Torrance, CA Weston, CAN ³
SPRAYDON POWERCOTE ¹²	Thermal Insulation	1969 1969 1969 1970	1971 1971 1971 1971	Plainfield, NJ Torrance, CA Corsicana, TX ¹³ Weston, CAN ³
K-FAC INDUSTRIAL INSULATING BLOCK	Rigid Block Insulation	1943	1950	East Chicago, IN
K-FAC 19 ¹⁴	Rigid Block Insulation	1970	1971	Greenville, MS
FIRE DOOR COREBOARD ¹⁵	Fire Board	1966	1971	Greenville, MS
COLUMN FIRE BOARD ¹⁶	Fire Board	1966 only		Greenville, MS
SHEETROCK RADIANT HEAT FILLER - MACHINE APPLICATION	Plaster	1968 1969 1968 1969	1971 1971 1971 1971	Baltimore, MD Boston, MA Detroit, MI East Chicago, IN

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
PAC-TEX TEXTURE PAINT	Texture	1970	1972	Empire, NV
		1968	1971	Ft. Dodge, IA
		1969	1971	Gypsum, OH
		1969	1971	New Brighton, NY
		1968	1971	Norfolk, VA
		1969	1971	Philadelphia, PA
		1968	1971	Plaster City, CA
		1969	1970	Shoals, IN
		1969	1972	Sweetwater, TX
A-B TEX TEXTURE PAINT	Texture	1962	1963	Dallas, TX
		1943	1970	South Gate, CA
		1949	1962	Sweetwater, TX
		1959	1973	Chamblee, GA
		1935	1949	Gypsum, OH
		1954	1973	Gypsum, OH
		1973 only		Midway, IL
		1935	1949	New Brighton, NY
		1954	1968	New Brighton, NY
TEXTURE PAINT	Texture	1943	1944	South Gate, CA
		1954	1974	South Gate, CA
		1948	1950	Sweetwater, TX
		1962	1963	Hagersville, CAN ³
		1973 only		Hagersville, CAN ³
		1959	1973	Chamblee, GA
		1964	1973	Dallas, TX
		1930	1973	Gypsum, OH
		1937	1973	New Brighton, NY
		1948	1970	South Gate, CA
		1948	1964	Sweetwater, TX

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
TEXOLITE DRY FILL	Texture	1959	1961	New Brighton, NY ¹⁷
TEXOLITE DRYWALL	Texture	1963	1965	Dallas, TX
SURFACER, AGGREGATED, renamed DRYWALL		1961	1977	Gypsum, OH
SURFACER, TEXTURE XII, in 1965		1970	1972	Midway, IL
		1963	1965	New Brighton, NY
		1963	1965	South Gate, CA
SPRAY TEXTURE	Texture	1961	1976	Chamblee, GA
PAINT (or FINISH)		1961	1976	Dallas, TX
		1960	1976	Gypsum, OH
		1970	1976	Midway, IL
		1966	1968	New Brighton, NY
		1957	1973	South Gate, CA
		1959	1961	Sweetwater, GA
MULTI-PURPOSE TEXTURE FINISH	Texture	1964	1976	Chamblee, GA
		1963	1976	Dallas, TX
		1965	1976	Gypsum, OH
		1971	1976	Midway, IL
		1965	1966	New Brighton, NY
IMPROVED SPRAY TEXTURE B-8	Texture	1963	1973	South Gate, CA
SANDED, COLORED TEXTURE PAINT	Texture	1952	1953	New Brighton, NY
		1952	1955	Sweetwater, TX
CONCRETE CEILING TEXTURE	Texture	1970	1973	South Gate, CA
TEXTONE TEXTURE FINISH	Texture	1959	1972	Chamblee, GA
		1962	1972	Dallas, TX

<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
TEXOLITE BLOCK FILLER		1928	1975	Gypsum, OH
		1937	1972	New Brighton, NY
		1944	1972	South Gate, CA
		1949	1972	Sweetwater, TX
		1965	1977	Hagersville, CAN ^{3,18}
		1961	1966	Chamblee, GA
		1966	?	Dallas, TX
		1958	?	Gypsum, OH
		1958	?	New Brighton, NY
		1959	1966	South Gate, CA
		1959	1966	Sweetwater, TX
		1966	1974	Dallas, TX
		1965	1974	Gypsum, OH
		1971	1974	Midway, IL
		1970	1972	South Gate, CA
SHEETROCK SMOOTHCOAT	Texture	1966	1974	Dallas, TX
		1965	1974	Gypsum, OH
		1971	1974	Midway, IL
SHEETROCK RADIANT HEAT SIMULATED ACOUSTICAL TEXTURE	Simulated Acoustical Ceiling Texture	1970	1972	South Gate, CA
SPECIAL TEXTURE PAINT	Texture	1963	1972	Dallas, TX
		1955 only		New Brighton, NY
		1954	1964	Sweetwater, TX
TEXTURE XII, SUPER VINYL	Texture	1970	1976	Gypsum, OH
		1970	1976	Midway, IL
AGGREGATED SPRAY FINISH, WHITE	Texture	1967	1968	Dallas, TX
		1964	1968	Gypsum, OH
		1971 only		Midway, IL

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
SMOOTH HARD FINISH	Texture	1968	1969	South Gate, CA
SUPERHARD SPRAY TEXTURE FINISH	Texture	1968	1969	South Gate, CA
EXTERIOR TEXTURE WALLBOARD FINISH	Texture	1971 1971	1973 1972	Dallas, TX South Gate, CA
SIMULATED ACOUSTICAL SPRAY TEXTURE/FINISH	Simulated Acoustical Ceiling Texture	1964 only 1963 1959 1961 1959 1961	1964 1964 1964 1964 1962	Chamblee, GA Dallas, TX Gypsum, OH New Brighton, NY South Gate, CA Sweetwater, TX
"QT" SIMULATED ACOUSTICAL SPRAY TEXTURE	Simulated Acoustical Ceiling Texture	1963	1973	South Gate, CA
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-REGULAR	Simulated Acoustical Ceiling Texture	1964 1967 1964 1966 only 1968	1965 1969 1968 1966 1973	Dallas, TX Dallas, TX New Brighton, NY South Gate, CA South Gate, CA
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-LC	Simulated Acoustical Ceiling Texture	1965 1965 1965 1965 1966 only	1968 1968 1966 1966	Dallas, TX Gypsum, OH New Brighton, NY Hagersville, CAN ³ Montreal, CAN ³

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
IMPERIAL "QT" (SPRAY) TEXTURE FINISH - NC-LC	Simulated Acoustical Ceiling Texture	1968 1966 1966 1970 1966	1976 1974 1976 1975 1975	Chamblee, GA Dallas, TX Gypsum, OH Midway, IL New Brighton, NY
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-EXTRA HARD FINE	Simulated Acoustical Ceiling Texture	1964 1964 1964 1964	1974 1971 1974 1973	Chamblee, GA Dallas, TX Gypsum, OH New Brighton, NY
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-VERMICULITE, COARSE and REGULAR	Simulated Acoustical Ceiling Texture	1967 1966 1968 1970 1968	1976 1976 1976 1976 1976	Chamblee, GA Dallas, TX Gypsum, OH Midway, IL New Brighton, NY
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-POLYSTYRENE, COARSE and REGULAR	Simulated Acoustical Ceiling Texture	1967	1976	Dallas, TX
IMPERIAL "QT" (SPRAY) TEXTURE FINISH-NC4	Simulated Acoustical Ceiling Texture	1968 1968 1967 1970 1967	1972 1971 1972 1972 1972	Chamblee, GA Dallas, TX Gypsum, OH Midway, IL New Brighton, NY
READY-MIXED IMPERIAL "QT" SPRAY FINISH	Simulated Acoustical Ceiling Texture	1966	1967	New Brighton, NY

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
THERMALUX RADIANT HEATING PANELS	Radiant Heating Panels	1961	1965	Shoals, IN (assembled)
<u>Other Products (by generic group)</u>				
PIPECOVERINGS, ASBESTOS PAPER, ASBESTOS BOARD		1936	1938 ¹⁹	Jersey City, NJ
PASTE SPACKLING PUTTY		1952	1975	Chamblee, GA Gypsum, OH New Brighton, NY Sweetwater, TX
JOINT COMPOUNDS		1920's?	1976	Calgary, CAN ^{3,20} Chamblee, GA Dallas, TX East Chicago, IN Gypsum, OH Hagersville, CAN ^{3,20} Jacksonville, FL Midway, IL Montreal, CAN ^{3,20} New Brighton, NY South Gate, GA Sweetwater, TX
ADHESIVES		1953 1973 1968 1955 1971	1973 1974 1973 1965 1977	Gypsum, OH Midway, IL ¹⁶ Nashville, TN New Brighton, NY Rosemont, IL ²¹

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<u>Product Name</u>	<u>Product Type</u>	<u>First Authorized For Production With Asbestos</u>	<u>Cancellation of Authorization</u>	<u>Manufacturing Locations</u>
SIDING SHINGLES		1961	1972	South Gate, CA
		1957	1962	Sweetwater, TX
		1974	1977	Trenton, NJ ²²
ROOFING PRODUCTS		1937	1975	East Chicago, IN
		1936	1975	Jersey City, NJ
		1967	1978	Mt. Dennis, CAN ³
		1967	1978	St. Hubert St., CAN ³
		1934	1975	St. Paul, MN
		1934	1960	South Bend, IN
		1954	1977 ²³	South Gate, CA
		1937	1960	Toronto, CAN ³
		1967	1978	Vancouver, CAN ³
	INSULATING CEMENT		1936	1938

NOTE: All products were necessarily made at plants at all times listed, even though they were authorized for production.

- 1 At some period of time between 1926 and 1930, Sabinite is believed to have been manufactured at U.S. Gypsum's plant at Arden, Nevada. However, no bulletins for that plant have been located, it having been closed in 1930.
- 2 Sabinite may have been produced until this date, but sales diminished substantially by the mid-1950's.
- 3 Not sold in the United States.
- 4 Two-component Hi-Lite plaster was authorized for production in June 1953 and discontinued in August 1954. Approximately 4 tons of a temporary variant was produced during 1953, and packaged as "Lime-Keene's Acoustical Plaster."
- 5 Marketed as Red Top Acoustical Plaster with the word 'Spray' stenciled on the bag from 1954 to 1955; marketed as Red Top Spray On Acoustical Plaster in 1955; marketed as Red Top Audicote Acoustical Plaster from 1955 to 1968.
- 6 A trial job of 3 tons only.
- 7 Contained less than 1.0% asbestos (not asbestos-containing products under applicable law).
- 8 Two month production authorization only.
- 9 Temporary production authorization for Firecode only.
- 10 Trial jobs were produced in 1959 for tests by Underwriters' Laboratories; regular production commenced in 1960.
- 11 As of December of 1969 Firecode V had been dropped from U.S. Gypsum's product line and sales of this product had not been actively solicited by the company for some time. U.S. Gypsum believes that a limited quantity of Firecode V was produced in early 1970 at the East Chicago plant for the completion of a single job already in progress.
- 12 Years shown are for actual production. U.S. Gypsum manufactured SprayDon pursuant to the specifications of Sprayon Research Corporation. While Types A and G remained on operating bulletins until 1973, production of G was discontinued in 1970, and A was discontinued on January 1, 1972. Type I, though authorized, was never produced.

13 dm production records.

14 K-Fac 19 was produced for A.P. Green and packaged and sold by that company under the name
INSBLOK. Information contained in plant records suggests that production may have commenced
in 1969.

15 Information contained in plant records suggests that production may have commenced in 1965.

16 Temporary production authorization only.

17 Trial job authorized for temporary production only on and off from 1959 to 1961.

18 Marketed from 1970 to 1977 as Sheetrock Texture Finish Paint in Canada.

19 Years shown are for actual production. Although authorization to manufacture these products
was not cancelled until 1940, the last sales took place in 1938.

20 Actual Canadian production ceased in 1978.

21 This product line was manufactured by a company that became a U.S. Gypsum subsidiary in 1971,
and records of the production history are incomplete.

22 Records regarding the production history of this product line are incomplete.

23 Years shown are for actual production. Though authorized for production until 1978, actual
production ceased in 1977.

24 Years shown are for actual production. Torrance was first authorized to produce SprayDon A
in December of 1966, but 302 Reports by plant indicate that Torrance did not start
manufacturing SprayDon A until 1967.

Most of the products identified in this exhibit have a shelf life of approximately six months, with
some variation due to humidity and storage conditions. It is the policy of the defendant to provide
this information to all customers. Therefore, date of last production approximates date of last
sale, though U.S. Gypsum is not certain whether shelf life guidelines were adhered to by its
customers. Reasonable investigation is continuing.

Further information concerning products which are established to be at issue is contained in
documents which will be made available for inspection at the offices of United States Gypsum, 125
South Franklin Street, Chicago, IL 60606-4678.

EXHIBIT 1

THIS DEFENDANT IS INSURED BY THE FOLLOWING

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
ADMIRAL	A0UX 0006	Excess	8/1/80- 8/1/81
ADMIRAL	A1UX 0051	Excess	8/1/81- 8/1/82
ADMIRAL	A2UX 0126	Excess	8/1/82- 8/1/83
ADMIRAL	A3UX 0164	Excess	8/1/83- 1/19/84
AMERICAN EXCESS	EUL5002664	Excess	11/10/78- 8/1/79
AMERICAN EXCESS	EUL5003994	Excess	8/1/79- 8/1/80
AMERICAN EXCESS	EUL5084144	Excess	8/1/80- 8/1/81
AMERICAN EXCESS	EUL5084262	Excess	8/1/81- 8/1/82
AMERICAN MUTUAL	57559-D	Primary	2/1/63- 2/1/66
AMERICAN MUTUAL	952989- 02-6-D	Primary	2/1/66- 2/1/67
AMERICAN MUTUAL	952989- 12-7-D	Primary	2/1/67- 2/1/70
AMERICAN MUTUAL	952989- 12-0-D	Primary	2/1/70- 4/15/71
AMICO	IYM 114 700	Primary	4/1/61- 2/1/63
AMICO	1ZM 127 724	Primary	4/15/71- 7/1/75
AMICO	2CP 61 063	Excess	2/15/72- 2/15/75
AMICO	2YM 129 182	Excess	2/15/72- 2/1/75
AMICO	5SB 021 428	Excess	2/15/75- 7/1/75
AMICO	5SB 021 429	Excess	2/15/75- 7/1/75
AMERICAN RE-INSURANCE	M 12016-2001	Excess	12/7/66- 2/1/69
AMERICAN RE-INSURANCE	M1440073	Excess	11/8/76- 2/15/78
CALIFORNIA UNION	ZCX 00 33 78	Excess	11/7/78- 8/1/80

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
CONTINENTAL CASUALTY	RDX 9658052	Excess	7/31/62- 2/1/66
CONTINENTAL CASUALTY	RDX 938 50 86	Excess	4/20/66- 2/1/69
CONTINENTAL CASUALTY	RDX 923 01 25	Excess	12/7/66- 2/1/69
CONTINENTAL CASUALTY	RDX 01 912 52 99	Excess	2/1/69- 2/1/72
CONTINENTAL CASUALTY	RDX 01 912 53 00	Excess	2/1/69- 2/1/72
CONTINENTAL CASUALTY	RDX 01 808 54 80	Excess	2/1/72- 2/15/75
CONTINENTAL CASUALTY	RDX 01 808 54 81	Excess	2/1/72- 2/15/75
CONTINENTAL CASUALTY	RDX 142 11 13	Excess	2/15/75- 9/6/76
CONTINENTAL CASUALTY	RDX 142 11 14	Excess	2/15/75- 9/6/76
CONTINENTAL CASUALTY	CCP 005 30 96 37	Primary	8/1/79- 8/1/82
			(8/1/79- 8/1/80)
			(8/1/80- 8/1/82)
COMMERCIAL UNION (EMPLOYERS' LIABILITY ASSURANCE CORPORATION, LTD.)	E22-8160-001	Excess	2/1/63- 2/1/66
FIREMAN'S FUND	XL 38021	Excess	2/1/69- 2/1/72
FIREMAN'S FUND	XLX 119 50 62	Excess	2/1/72- 2/1/75
FIRST STATE	920501	Excess	2/15/72- 2/1/75
FIRST STATE	928140	Excess	8/1/80- 8/1/81
FIRST STATE	928110	Excess	8/1/81- 8/1/82
FIRST STATE	928123	Excess	8/1/82- 8/1/84
INTEGRITY	XL-50- 04-06	Excess	8/1/83- 8/1/84

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
INTERNATIONAL	522 003150 9	Excess	10/25/78- 8/1/79
INTERNATIONAL	522 003173 4	Excess	8/1/79- 8/1/80
INTERSTATE	155-U-29045	Excess	11/9/78 8/1/79
INTERSTATE	155-U-29098	Excess	8/1/79- 8/1/80
LEXINGTON	5521014	Excess	8/1/80- 8/1/81
LEXINGTON	5521015	Excess	8/1/80- 8/1/81
LEXINGTON	5521110	Excess	8/1/81- 8/1/82
LEXINGTON	5521201	Excess	8/1/82- 8/1/83
LEXINGTON	5525721	Excess	8/1/83- 8/1/84
LIBERTY MUTUAL	CGL-04-00610	Primary	4/1/43- 4/1/44
LIBERTY MUTUAL	CGL-04-01419	Primary	4/1/44- 4/1/45
LIBERTY MUTUAL	CGL-04-02297	Primary	4/1/45- 4/1/46
LIBERTY MUTUAL	CGL-04-03180	Primary	4/1/46- 4/1/47
LIBERTY MUTUAL	CGL-04-04185	Primary	4/1/47- 4/1/48
LIBERTY MUTUAL	CGL-04-05766	Primary	4/1/48- 4/1/49
LIBERTY MUTUAL	CGL-04-00244	Primary	4/1/49- 6/1/49
LLOYD'S	24045	Primary	6/1/49- 12/8/49
			12/8/49- 7/10/50
LLOYD'S	21270/ 24045	Excess	12/8/49- 7/10/50
LLOYD'S	21271/ 24045	Excess	12/8/49- 7/10/50
LLOYD'S	C 31979 C	Primary	7/10/50- 3/10/52

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
LLOYD'S	23331	Excess	7/10/50- 7/10/53
LLOYD'S	F 23376	Excess	7/10/50- 7/10/53
LLOYD'S	F 23377	Excess	7/10/50- 7/10/53
LLOYD'S	C 36693 CB	Primary	3/10/52- 4/1/55
LLOYD'S	F 35836	Excess	7/10/53- 4/1/55
LLOYD'S	F 35835	Excess	7/10/53- 4/1/55
LLOYD'S	MO 642295 CB	Primary	4/1/55- 4/1/58
LLOYD'S	MJ 642296 CB	Excess	4/1/55- 4/1/58
LLOYD'S	WMJ 801108 CB/ WMJ 801109 CB	Excess	4/1/55- 4/1/58
LLOYD'S	WMJ 801110 CB	Excess	4/1/55- 4/1/58
LLOYD'S	RS 907609 CD	Primary	4/1/58- 4/1/61
LLOYD'S	NS 653920 CD	Excess	4/1/58- 4/1/61
LLOYD'S	55043	Excess	4/1/58- 4/1/61
LLOYD'S	55044	Excess	4/1/58- 4/1/61
LLOYD'S	55045	Excess	4/1/58- 4/1/61
LLOYD'S	55046	Excess	4/1/58- 4/1/61
LLOYD'S	WNY807004	Excess	7/31/59- 7/31/62
LLOYD'S	022463000	Excess	2/1/66- 2/1/69
LLOYD'S	022464000	Excess	2/1/66- 2/1/69

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
LLOYD'S	022747000	Excess	12/7/66- 2/1/69
LLOYD'S	026160000	Excess	3/1/69- 2/1/72
LLOYD'S	026161000	Excess	3/1/69- 2/1/72
LLOYD'S	026162000	Excess	3/1/69- 2/1/72
LLOYD'S	183550900	Excess	11/19/76- 2/15/78
LLOYD'S	020044100	Excess	2/15/78- 8/1/79
MIDLAND	XL 146163	Excess	2/15/75- 2/15/78
NATIONAL AMERICAN (STUYVESANT)	61-05-180DE	Excess	4/1/61- 2/1/63
NATIONAL SURETY	XLX-120 48 58	Excess	2/15/75- 2/15/78
NATIONAL SURETY	XLX-130 14 53	Excess	10/25/78- 8/1/79
NATIONAL SURETY	XLX-136 63 54	Excess	8/1/79- 8/1/80
NATIONAL SURETY	XLX-143 62 90	Excess	8/1/80- 8/1/81
NATIONAL SURETY	XLX-143 63 42	Excess	8/1/81- 8/1/82
NATIONAL SURETY	XLX-148 34 45	Excess	8/1/82- 8/1/83
NATIONAL SURETY	XLX-153 01 72	Excess	8/1/83- 1/19/84
NATIONAL SURETY	XLX-153 01 73	Excess	1/19/84- 8/1/84
NORTHBROOK	63 001 083	Excess	8/1/83- 8/1/84
NORTHBROOK	63 001 167	Excess	7/1/75- 2/15/78
NORTHBROOK	63 004 250	Excess	7/1/75- 2/15/78
NORTHBROOK	63 005 941	Excess	2/15/78- 8/1/79
NORTHBROOK	63 005 942	Excess	8/1/79- 8/1/80
NORTHBROOK		Excess	8/1/79- 8/1/80

CARRIER	CERTIFICATE OR POLICY NO.	TYPE	POLICY PERIOD
TRANSIT	UMB 950-106	Excess	8/1/80- 8/1/81
TRANSIT	UMB 950-181	Excess	8/1/81- 8/1/82
TRANSIT	UMB 950-248	Excess	8/1/82- 12/31/84
TRAVELERS	TR-NSL- 135T059-4-75	Primary	7/1/75- 7/1/78 (7/1/75- 2/15/78) (2/15/78- 7/1/78)
TRAVELERS	TR-NSL- 135T060-1-75	Primary	7/1/75- 8/1/79
TRAVELERS	TRK-SLG- 135T059-4-78	Primary	7/1/78- 8/1/79
Self-Insured Retention (NORTHWESTERN NATIONAL INSURANCE COMPANY)	CLA 3259137	Primary	8/1/82- 1/1/85

WP/15177
WIN6434

February 1, 1989

Schedule

Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.

J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.

W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.

O. Beck, M.D.

J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.

S. L. Gilbert, M.D.

F. C. Atkinson, M.D.

R. F. Duchouquette, M.D.

W. D. Stevenson, M.D.

D. H. Waddell, M.D.

R. R. Henry, M.D.

Z. L. Dameron, M.D.

W. D. Lee, M.D.

A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.

J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.

P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic

J. M. Watson, M.D.

M. Raymond, M.D.

J. C. Kelly, M.D.

F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.

J. Anable, M.D.

Dr. Cook

South Gate, California

H. Caesar, M.D.

Family Medical Clinic

(Various physicians. Names unavailable)

Firestone Medical Group

(Various physicians. Names unavailable)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.

I. J. Bruhn, M.D.

J. A. Carroll, M.D.

A. C. Sapida, M.D.

Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.

E. Staffier, M.D.

A. C. Leavitt, M.D.

Sullivan Square

American Mutual Insurance Clinic

Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.

F. B. Nelson, M.D.

C. F. Dent, M.D.

E. E. Goe, M.D.

S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.

F. W. Nicklas, M.D.

H. Hagan, M.D.

Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.

L. Devira, M.D.

Franklin Park Medical Center

V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic

Fahey Medical Center

Rush Presbyterian - St. Lukes Occupational
Health Center

Galena Park, Texas

J. Nichols, M.D.

Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.

R. E. Noyes, M.D.

R. N. Malouf, M.D.

J. G. McGuarrie, M.D.

G. A. Buchanan, M.D.

J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.

W. H. Whitmore, M.D.

G. A. Duncan, M.D.

F. Walter, M.D.

A. A. Burke, M.D.

R. L. Payne, M.D.

J. L. Rosenthal, M.D.

P. B. Parsons, M.D.

J. Sakakini, M.D.

K. Jones, M.D.

V. H. Ober, M.D.

Dr. Albanese

J. Foster, M.D.

G. G. Hollins, M.D.

Dr. Labstein

J. M. Ratliff, M.D.

J. A. Vann, M.D.

C. B. Trower, M.D.

R. W. Adams, M.D.

R. R. Powell, M.D.

C. Pole, M.D.

G. A. Duncan, M.D.

Norfolk, Virginia (continued)

D. C. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger
Dr. Natelson
Dr. Zuka
Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.
J. F. Roules, M.D.
Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.
R. M. LaSalle, Jr., M.D.
R. M. LaSalle, Sr., M.D.
R. M. LaSalle, M.D.
W. D. Boaz, M.D.
P. Ferguson, M.D.
F. Smyrniotis, M.D.
J. E. Haughn, M.D.
LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.
F. G. Mainolfi, M.D.
Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North
Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.
J. Dean, M.D.
Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.
R. Kirby, M.D.
T. Perry, M.D.
R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worcester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic

W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Cambell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.
R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.

Alabaster, Michigan (continued)

J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Convers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel at the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid 1960s prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

PERCENTAGE OF ASBESTOS (WEIGHT)

<u>ACOUSTICAL PLASTERS PRODUCTS</u>	<u>DATE</u>	<u>PERCENT ASBESTOS</u>
SABINITE "TF"	No Change	4.90%
SABINITE "B"	04/18/33	2.00%
	11/03/33	4.00%
SABINITE 38 (HYDRAULIC)	11/10/30	2.40%
	04/18/32	3.00%
	01/13/37	2.00%
	07/12/39	3.00%
SABINITE ACOUSTICAL PLASTER	05/23/30	.98%
	01/01/31	2.50%
	06/29/32	2.00%
	05/03/40	4.00%
SABINITE "M" and SABINITE SPECIAL WHITE	10/18/40	4.00%
	01/23/48	6.30%
SABINITE "F"	02/27/44	4.00%
	07/28/50	3.00%
	07/28/50	4.00%
	09/18/52	3.00%
SABINITE "A" or SABINITE HYDROCAL	04/04/31	4.00%
	04/18/33	2.00%
	11/03/33	4.00%
HI-LITE ACOUSTICAL PLASTER	06/09/53	6.20%
	03/31/55	6.30%
AUDICOTE SPECIAL WHITE	09/15/55	8.25%
	08/24/56	7.62%
	10/31/56	7.60%
	12/14/56	8.00%
	03/27/57	7.70%
	12/02/57	6.95%
	12/02/57	22.50%
	03/10/58	7.10%
	03/27/58	6.95%
	04/04/58	22.50%
	05/16/58	16.89%
	05/29/58	17.09%
	05/29/58	16.89%
	05/29/59	16.88%

ACOUSTICAL PLASTERS
PRODUCTS

	<u>DATE</u>	<u>PERCENT ASBESTOS</u>
	05/29/59	16.93%
	12/06/60	8.33%
	07/14/61	8.46%
	07/06/62	7.63%
	08/07/62	7.65%
	02/05/64	7.64%
	08/11/64	7.63%
AUDICOTE SATIN WHITE	09/15/55	8.43%
	08/24/56	7.78%
	10/31/56	7.76%
	03/27/57	7.47%
	12/02/57	26.24%
	03/10/58	8.06%
	03/27/58	7.47%
	04/04/58	26.24%
	05/16/58	19.66%
	05/29/58	19.49%
	05/29/58	19.66%
	05/29/59	19.22%
	05/29/59	19.70%
	12/06/60	8.60%
	07/14/61	8.73%
	07/06/62	7.85%
	08/07/62	7.87%
	02/05/64	7.86%
	12/22/64	7.85%
RED TOP ACOUSTICAL PLASTER*	04/25/51	9.70%
*SPRAYDON STANDARD A	No Change	29.70%
*SPRAYDON STANDARD G	No Change	7.60%
*SPRAYDON POWERCOTE	No Change	30.00%

* SprayDon - U. S. Gypsum manufactured this product pursuant to the specifications of Sprayon Research Corporation.

<u>TEXTURE PRODUCTS</u>	<u>DATE</u>	<u>PERCENT ASBESTOS</u>
PAC-TEX	1943	4.5
	1953	4.5 - 6.0
	1954	3.5

A-B TEX	1935	4.0
	1943	4.5
	1944	4.0
USG TEXTONE TEXTURE PAINT	1928	3.3 - 4.5
	1930	2.8 - 4.5
	1934	3.3 - 4.5
	1938	2.67 - 5.0
	1943	2.67 - 6.0
	1947	2.67 - 8.0
	1952	2.5 - 3.5
	1955	1.2 - 3.5
	1956	2.3 - 3.5
	1958	1.2 - 6.0
	1960	1.2 - 10.0
	1970	.5 - 10.0
	1971	.5 - 3.5
SPECIAL TEXTURE PAINT	No Change	3.0 - 4.0
SPRAY TEXTURE PAINT	No Change	1.5 - 2.5
IMPROVED SPRAY TEXTURE	No Change	1.5 - 2.5
MULTI-PURPOSE TEXTURE	No Change	6.0 - 10.0
SANDED COLORED TEXTURE PAINT	No Change	2.0 - 4.0
USG MULTI-PURPOSE TEXTURE PAINT	1954	1.0 - 1.4
	1964	6.0 - 10.0
USG TEXTURE PAINT	No Change	2.5
SPRAY TEXTURE PAINT	1966	Unknown
	1968	5.0
	1969	2.0
USG MULTI-PURPOSE SPECIAL WHITE	No Change	5.0
USG MULTI-PURPOSE	No Change	6.0 - 10.0
USG MULTI-PURPOSE	No Change	4.0
SPECIAL TEXTURE PAINT	1956	Unknown
USG MULTI-PURPOSE SPRAY TEXTURE	No Change	4.0

USG MULTI-PURPOSE SPRAY TEXTURE	1972 1973	Unknown 4.0
SPRAY TEXTURE	No Change	1.5 - 2.5
AB TEX TEXTURE PAINT	No Change	.5
AB TEX TEXTURE PAINT	No Change	1.2 - 1.6
USG TEXTURE	No Change	1.6 - 3.5
MULTI-PURPOSE	1971	Unknown
SPRAY TEXTURE PAINT WHITE	1969 1973	7.3 0.0
SPRAY TEXTURE PAINT	1958 1971	1.5 - 3.0 4.5 - 6.0
SPRAY TEXTURE PAINT	No Change	1.5 - 3.0
SIMULATED ACOUSTICAL SPRAY	No Change	8.0
SIMULATED ACOUSTICAL SPRAY	No Change	8.0
SPRAY TEXTURE	No Change	1.5 - 3.0
SPRAY TEXTURE	No Change	1.5 - 4.0
SIMULATED ACOUSTICAL SPRAY	No Change	8.0
SIMULATED ACOUSTICAL SPRAY	1961 1962	Unknown 8.0
AGGREGATED SPRAY TEXTURE	No Change	1.0
AGGREGATED SPRAY TEXTURE	1962 1963	1.0 .5 - 1.5
SIMULATED ACOUSTICAL SPRAY	No Change	2.0
"QT" SIMULATED ACOUSTICAL SPRAY	1964 1969 1971	2.0 5.0 4.4
IMPERIAL QT SPRAY	No Change	1.5
AGGREGATED SPRAY	No Change	2.8

IMPERIAL QT REGULAR VERMICULITE	No Change	2.0
SPRAY TEXTURE	No Change	5.0
SMOOTH HARD FINISH	No Change	1.0
IMPERIAL QT TEXTURE	No Change	2.0
USG SUPER HARD SPRAY	No Change	1.2
USG SPRAY TEXTURE	No Change	5.0
SPRAY TEXTURE FINISH	No Change	.1
USG TEXTURE XII	No Change	3.0
USG SPRAY TEXTURE	No Change	5.0
USG TEXTURE XII SUPER VINYL	1971 1972	3.0 Unknown
USG SPRAY TEXTURE FINISH	1971 1974	4.0 5.0
SHEETROCK SMOOTHCOAT	No Change	1.0
USG EXTERIOR TEXTURE WALLBOARD FINISH	No Change	4.0
EXTRA HARD FINE IMPERIAL QT	No Change	1.0 - 3.0
SIMULATED ACOUSTICAL SPRAY TEXTURE	No Change	8.0
SIMULATED ACOUSTICAL SPRAY TEXTURE	No Change	8.0
IMPERIAL QT TEXTURE	No Change	4.0
SIMULATED ACOUSTICAL SPRAY	No Change	6.0
SIMULATED ACOUSTICAL SPRAY	No Change	6.5
SIMULATED ACOUSTICAL SPRAY	No Change	10.0

SIMULATED ACOUSTICAL SPRAY	No Change	8.0
SIMULATED ACOUSTICAL SPRAY	No Change	2.5 - 4.5
SIMULATED ACOUSTICAL SPRAY	No Change	2.5 - 3.5
SIMULATED ACOUSTICAL SPRAY	No Change	2.0
IMPERIAL QT	No Change	2.0
IMPERIAL QT	No Change	8.0
IMPERIAL QT	No Change	5.0
IMPERIAL QT	No Change	4.0
MULTI-PURPOSE TEXTURE	No Change	2.6
READY-MIXED SIMULATED ACOUSTICAL SPRAY	1966	Unknown
IMPERIAL QT	1966	4.0
IMPERIAL QT	1966	.94 - 1.0
IMPERIAL QT	1966	2.0 - 3.0
IMPERIAL QT	1966	3.0
IMPERIAL QT Polystrene	1966	6.0
SHEETROCK RADIANT HEAT SIMULATED ACOUSTICAL SPRAY	1966	6.0
SHEETROCK SIMULATED ACOUSTICAL SPRAY	1966	2.0
SHEETROCK SIMULATED ACOUSTICAL SPRAY	1966	3.5
AGGREGATED SPRAY TEXTURE	1966	5.0
IMPERIAL QT REGULAR	1967	Unknown
IMPERIAL QT REGULAR NC-4	1967 1968	8.0 6.0

IMPERIAL QT	No Change	2.0
USG SPRAY TEXTURE FINISH	1965	.5
USG SPRAY TEXTURE FINISH	1965	.5
XH WHITE	1968	.5 - 1.5
AGGREGATED SPRAY TEXTURE	No Change	1.0
IMPERIAL QT	No Change	2.0
IMPERIAL QT	No Change	4.0
IMPERIAL QT COARSE VERMICULITE	No Change	2.0
IMPERIAL QT	1970	5.1
COARSE VERMICULITE	1971	6.1
USG SPRAY TEXTURE R	No Change	1.5
USG CONCRETE CEILING TEXTURE	No Change	6.0
TEXTONE TEXTURE FINISH	1944	2.5 - 4.5
	1967	3.5 - 5.5
	1972	2.5 - 4.5

Miscellaneous Specialty Plasters - Generally less than 1%

Fireproofing Plasters

Firecode V	Approximately 12%
Firecode V Type D	Approximately 12%

Ceiling Tile

Acoustone 120*	Approximately 3%
Acoustone 180	Approximately 3%

Texture Products - Approximately 3 - 5 %. Investigation continues as to individual texture products.

Paste Spackling Putty - Approximately 3%

Pipecoverings - Approximately 30 - 91%

*Not all formulations contained asbestos.

Joint Compounds - Approximately 3 - 5%

Rigid Block Insulation - Approximately 10 - 21%

Mortar - Less than 1%

Siding Shingles - Approximately 12 - 15%

Roofing Shingles - Approximately 0.6 - 1%

Variation in asbestos content is usually reflective of formula changes relative to working properties.

Contents
Asphalt Petroleum Spirits
Asbestos Fiber

U.S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient on packaging for its texture product, Imperial QT. Investigation continuing.

UNITED STATES GYPSUM COMPANY EMPLOYEE DEPOSITIONS AND TRIAL TESTIMONY

NAME	CASE NAME, DOCKET NO., JURISDICTION	DATE
Richard C. Anderson	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles	1/27/95 2/10/95
Richard C. Anderson	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles (Trial testimony - under seal)	3/1/95
Jack Andrews	Kershaw County Board of Education v. W. R. Grace Company, et al. No. CA-85-CP-28-58 Court of Common Pleas, State of South Carolina, County of Kershaw	11/7/86
Henry M. Armstrong, Jr.	In Re: Asbestos School Litigation No. 83-0268 US District Court, Eastern District of PA	4/29/88
Carroll J. Atwood	The Corporation of Mercer University v. National Gypsum Company, et al. No. 82-126-3-MAC US District Court for the Middle District of Georgia, Macon County	1/23/86
Allen Baetge	Kershaw County Board of Education v. W. R. Grace Company, et. al. No. CA-85-CP-28-58 Court of Common Pleas, State of South Carolina, County of Kershaw	11/17/86
Philippe A. Bastille	New York Telephone Company v. AAER Sprayed Insulation Inc., a division of Rogers Insulating & Roofing Co., Inc., et al.	8/31/92

Alex Beeman	No. 17280/87 Supreme Court of the State of New York County of New York	3/24/88
Steven Berning	In Re: Asbestos School Litigation No. 83-0268 US District Court, Eastern District of PA Dayton Independent School District, et. al. v. W.R. Grace & Company, et. al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	9/17/86
Edward C. Beuthin	Lexington County School District Five v. U. S. Gypsum Co., et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia District	3/25/83
Edward C. Beuthin	Eulis S. Dykes, et ux, v. United States Gypsum Company, et al. No. 3-82-550 US District Court for the Eastern Division of Tennessee, Northern Division	3/25/83
Edward C. Beuthin	County of Anderson, Tennessee v. United States Gypsum Company, et al. No. 3-83-511 US District Court for the Eastern District of Tennessee, Northern Division	2/17/84
Edward C. Beuthin	Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia District (Trial testimony)	4/5/84

Edward C. Beuthin

Eugene Niewiadomski, et al. v. United States Gypsum Company, et al.
No. LV 85-82,LDG US District Court of Nevada

8/22/85

Edward C. Beuthin

St. Joseph Hospital v. The Celotex Corporation, et al.
No. CV186-047 U.S. District Court for the Southern District of Georgia, Augusta Division

10/8/86

Edward C. Beuthin

Reorganized Church of Jesus Christ of Latter-Day Saints v. United States Gypsum Company
No. 85-0322-CV-W-8-6 Federal Court for the Western District of Missouri

10/8/86

Edward C. Beuthin

Kershaw County Board of Education v. W.R. Grace Company, et al.
(Trial testimony by deposition)
No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw

10/27/88

Edward C. Beuthin

Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company
(Trial testimony by deposition)
No.3-84-0315 U.S. District Court, Middle District of Tennessee, Nashville District

3/27/88

Edward C. Beuthin

Adams-Arapahoe School District No. 28-J v. Celotex Corporation, et al.
No. 84-C-1974 U.S. District Court for the District of Colorado
(Trial testimony by deposition)

5/16/89

Edward C. Beuthin	Hebron Public School District No. 13 of Morton County State of North Dakota v. United States Gypsum Company (Trial testimony by deposition) No. A1-86-184 U.S. District Court, District of North Dakota, Southwestern Division	7/13/89
Edward C. Beuthin	The Rowan County Board of Education, a Public Body Politic v. United States Gypsum Company No. 85 CVS948 Superior Court, State of North Carolina, County of Rowan (Trial testimony by deposition)	1/9/90
Edward C. Beuthin	Tioga Public School District No. 15 of Williams County, State of North Dakota v. United States Gypsum Company No. A4-88-257 U.S. District Court for the District of North Dakota, Northwestern Division (Trial testimony by deposition)	5/25/90
Edward C. Beuthin	Jordon Perlmutter, et al v. United States Gypsum Company, et al. No. 87-M-510 U.S. District Court for the District of Colorado (Trial testimony by deposition)	5/3/91
Edward C. Beuthin	The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al. No. 84268068/CL 25639 Circuit Court of Baltimore County, Maryland	3/30/92

(Trial testimony by deposition)

Harry N. Bollas	The Prudential Insurance Company of American, et al. v. United States Gypsum Company No. 874337 & 874238 U.S. District Court, Eastern District of Pennsylvania	6/26/91
Ronald E. Bonnema	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	5/7/86
Ronald E. Bonnema	Sherry Wolfe, et al. constituting Washington County Board of Education v. United States Gypsum Company, et al. No. 2-83-329 U.S. District Court, Eastern District of Tennessee, Eastern Division	11/25/85 11/26/85
Walter Borchers	Thomas, Machele, Administratrix of the Estate of Thomas, Jr., Leon C. v. Carey Canadian Mines, Ltd., et. al. No. 79-2931 U.S. District Court for the Eastern District of Pennsylvania	1/29/81
Howard J. Bowman	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	6/19/85
Howard J. Bowman	Luther Ray Hawkins v. The Celotex Corporation, et al. No. 85 CV 08 4598 Court of Common Pleas, Franklin	8/7/85

Howard J. Bowman	County, Ohio Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	11/25/85
Howard J. Bowman	Sherry Wolfe, et al. constituting Washington County Board of Education v. United States Gypsum Company, et al. No. 2-83-329 U.S. District Court, Eastern District of Tennessee, Eastern Division	11/25/85
Howard J. Bowman	Reorganized Church of Jesus Christ of Latter-Day Saints v. United States Gypsum Company No. 85-0322-CV-W-8-6 Federal Court, Western District of Missouri	10/9/86
Howard J. Bowman	Anita P. Strawn and Duane H. Anderson, personal representative for the Estate of Donald E. Strawn, deceased v. Fibreboard Corp., et al. No. C85-539TB U.S. District Court for the Western District of Washington at Tacoma	3/26/87
Howard J. Bowman	Wesley Theological Seminary of the United States Methodist Church v. United States Gypsum Company, et al. No. 85-1606 U.S. District Court in the District of Columbia	4/14/87
Howard J. Bowman	Lila Grossman Smallowitz, Individually and as Executrix and Personal Representative of the Estate of Saul	4/22/87

Howard J. Bowman	Smallowitz, deceased v. United States Gypsum Company, et al. No. 84 Civ 2638(LBS) U.S. District Court for the Southern District of New York	4/14/87
Howard J. Bowman	Wesley Theological Seminary of the United States Methodist Church v. United States Gypsum Company, et al. No. 85-1606 U.S. District Court in the District of Columbia	7/28/87
Howard J. Bowman	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 U.S. District Court for the Eastern District of New Jersey	11/11/87
Howard J. Bowman	John landorio and Josephine landorio v. Thomas Construction, et al. No. L-67755-84 Superior Court of New Jersey, Law Division: Passaic County	11/12/87
Howard J. Bowman	Maurice McGoldrick and Theresa J. McGoldrick, his wife v. Armstrong World Industries, Inc., et al. No. L-89106-85E Superior Court of New Jersey, Division: Middlesex County	1/26/88

Howard J. Bowman

Mary Michalowski, as Administratrix and Administratrix
Ad Prosequendum of the Estate of Edward M. Michalowski,
Deceased v. John Doe Corporations (A Fictitious Name
Representing One or More manufacturers, Suppliers, Miners
and/or Distributors of Asbestos Fibers and Dust and Finished
and Unfinished Products), et al.
No. L-30073-84 Superior Court of New Jersey, Law
Division: Middlesex County

2/24/88

Howard J. Bowman

The Mayor and City Council of Baltimore, a Municipal
Corporation v. Keene Corporation, et al.
No. 84268068/CL 25639 Circuit Court of Baltimore
County, Maryland

3/28/88

Howard J. Bowman

Highline School District No. 401 v. Turner and Newall
PLC, et al.
Docket No. 86-2-16632-7 Superior Court of the State of
Washington in and for the County of King

7/13/88

Howard J. Bowman

Robert P. Funk v. AC&S, Inc.
No. 85-18238(JRR) District Court of Harris County,
Texas, 61st Judicial District

4/11/89

Howard J. Bowman

Alexander Kennedy v. AC&S, Inc., et al.
No. 88-18(JRR) U.S. District Court for the
District of Delaware

8/29/89

Howard J. Bowman

Adele Simmons, James M. Furman, and Phillip M. Grace,
Liquidating Trustees v. United States Gypsum Company,
et al.

9/27/89

No. 88-10253 District Court of Dallas County, 14th Judicial District	
Howard J. Bowman	5/30/90
City of Boston v. United States Gypsum Company No. 82254 Commonwealth of Massachusetts, County of Suffolk, Supreme Court (Trial testimony)	
Howard J. Bowman	5/30/90
Tioga Public School District No. 15 or Williams County, State of North Dakota v. United States Gypsum Company No. A4-88-257 U.S. District Court for the District of North Dakota, Northwestern Division (Trial testimony)	
Howard J. Bowman	7/24/90
St. Vrain Valley School District No. Re-1J, et al. v. W.R. Grace and Company, et al. No. 87 C 1807 U.S. District Court for the District of Colorado	
Howard J. Bowman	11/29/90
Mike Moore, Attorney General ex rel., State of Mississippi v. The Flintkote Company, et al. No. 89-4138(2) Circuit Court of Jackson County, Mississippi	
Howard J. Bowman	4/24/91
Crossroads Fourplex Association v. Owens-Corning Fiberglas Corp., et al. No. 137210 Superior Court, Marion County, CA	
Howard J. Bowman	4/24/91
Crossroads Townhomes Association v. Owens-Corning Fiberglas Corp., et al.	

Howard J. Bowman	No. 137211 Superior Court, Marion County, CA	
	In Re: State of West Virginia Public Building Asbestos Litigation No. 86-C-458 Circuit Court of Monongalia County, West Virginia	5/8/91 5/9/91
Howard J. Bowman	In Re: State of West Virginia Public Building Asbestos Litigation No. 86-C-458 Circuit Court of Monongalia County, West Virginia (By video)	7/16/91
Howard J. Bowman	Alma Sealover v. Carey Canada, Inc., et al. No. CV88-643 U.S. District Court for the Middle District of Pennsylvania (Trial testimony)	7/11/91
Howard J. Bowman	The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al. No. 84268068/CL 25639 Circuit Court of Baltimore County, Maryland	9/20/91
Howard J. Bowman	Michael Richie v. Raybestos-Manhattan, et. al. No. 933324 Superior Court of the State of California in and for the County of San Francisco	1/8/92
Howard J. Bowman	Michael Richie v. Raybestos-Manhattan, et. al. No. 933324 Superior Court of the State of California in and for the County of San Francisco	1/9/92

Howard J. Bowman	(Trial testimony) Nicholas Haluskey and Barbara Haluskey v. Fibreboard Corp. et al. No. BC024997 Superior Court of the State of California in and for the County of Los Angeles (Trial testimony)	5/26/92
Howard J. Bowman	Marion Cengr, et al. v. Armstrong, et al. Nos. 89L1021, 91L19102, 90L11244, 90L644 & 87L21410 Circuit Court of Cook County, Illinois, County Department, Law Division	11/17/92
Howard J. Bowman	Angelo Sangiocomo & Yvonne Sangiocomo v. United States Gypsum Company No. 893828 Superior Court of California, County of San Francisco	4/6/93
Howard J. Bowman	J.H. Snyder Company, a California Partnership v. Carey Canada, Inc., et al. No. C728 816 Superior Court of the State of California for the County of Los Angeles	4/8/93 6/2/93
Howard J. Bowman	Thad Alford Tingle, et al. v. Fibreboard Corp., et al. No. 92-02238 U.S. District Court of Travis County, Texas, 147th Judicial District	6/29/93
Howard J. Bowman	Bayonne Board of Education v. United States Gypsum Co., et al. No. HUD-L-000013-92 Superior Court of New Jersey, Law	7/29/93

Division: Hudson County

Howard J. Bowman	In Re: Asbestos No. 92-C-8888 Circuit Court of Kanawha County, West Virginia	8/24/93
Howard J. Bowman	Angelo Sangiocomo & Yvonne Sangiocomo v. United States Gypsum Company No. 893828 Superior Court of California, County of San Francisco (Trial testimony)	10/29/93
Howard J. Bowman	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles	9/22/94
Howard J. Bowman	Richard P. King v. United States Gypsum Company, et al. No. 94-2995 Court of Common Pleas of Allegheny County, Pennsylvania	11/11/94
Howard J. Bowman	Century Park v. California Zonolite, et al. No. WEC 137 827 Superior Court of California, County of Los Angeles (Trial testimony)	11/28/94
Howard J. Bowman	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles (Videotaped)	2/1/95

Fred Brookwell	School District of Philadelphia v. W.R. Grace, et al. No. 146 Court of Common Pleas, Philadelphia County	6/15/90
Roger Brown	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	11/17/86
Kenneth D. Brule	Archie F. Anderson, et al. v. Abex Corporation, et al. No. C2-89-1042 District Court of Minnesota, Carlton County Sixth Judicial District	9/20/90
Charles Byers	Dayton Independent School District, et al. v. W.R. Grace Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	12/4/86
Robert D. Callos	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	10/14/86
Robert S. Camel	The Prudential Insurance Company of American, et al. v. United States Gypsum Company No. 87-4227 (HAA) U.S. District Court for the District of New Jersey	1/31/91
Andrew Capone	School District of Philadelphia v. W.R. Grace, et al. No. 146 Court of Common Pleas, Philadelphia County	7/9/90

Robert E. Clark	County of Anderson, Tennessee,, et al. v. United States Gypsum Company, et al. No. 3-83-511 U.S. District Court for the Eastern District of Tennessee, Northern Division	3/8/84
Robert E. Clark	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	7/28/86 7/29/86
Robert E. Clark	Dayton Independent School District v. United States Gypsum Company No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	9/22/86
Robert E. Clark	Sherry Wolfe, et al. constituting Washington County Board of Education v. United States Gypsum Company, et al. No. 2-83-329 U.S. District Court, Eastern District of Tennessee, Eastern Division	8/4/87
Eugene Connelly	New York Telephone Company v. AAER Sprayed Insulation Inc., a division of Rogers Insulating & Roofing Co., Inc., et al. No. 17280/87 Supreme Court of the State of New York County of New York	8/5/92
Sam Constan	New York Telephone Company v. AAER Sprayed Insulation Inc., a division of Rogers Insulating & Roofing Co., Inc., et al.	8/5/92

No. 17280/87 Supreme Court of the State of New York County of New York		
Idella Kennell, Hazel Blough, et al. v. Pfizer, Inc., et al. No. 84-0208 & 84-0209 U.S. District Court for the Western District of Tennessee, Eastern Division	Martin V. Cook	11/12/84
Dayton Independent School District v. United States Gypsum Company No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	Martin V. Cook	2/5/85
David Donald Smith and Joanne Smith v. W.R. Grace and Company, et al. No. 776308 District Court of Minnesota in the County of Hennepin, Fourth Judicial District	James D. Cornell	2/22/82 8/25/82
Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia District	James D. Cornell	2/2/84
County of Anderson, Tennessee, et al. v. United States Gypsum Company, et al. No. 3-83-511 U.S. District Court for the Eastern District of Tennessee, Northern Division	James D. Cornell	3/9/84
The Corporation of Mercer University v. National Gypsum Company, et al.	James D. Cornell	1/30/86

No. 82-126-3-MAC US District Court for the Middle District of Georgia, Macon County	
James D. Cornell	7/7/86
School District of the City of Independence, Missouri, No. 30, v. United States Gypsum Company, et al.	
No. CV84-05334 Circuit Court of Jackson County, Missouri at Independence	
James D. Cornell	4/25/91 5/7/91 5/8/91 6/18/91
In Re: State of West Virginia Public Building Asbestos Litigation	
No. 86-C-458 Circuit Court of Monongalia County, West Virginia	
James D. Cornell	5/15/91 5/16/91
The Prudential Insurance Company of American, et al. v. United States Gypsum Company	
No. 87-4227 (HAA) U.S. District Court for the District of New Jersey	
James D. Cornell	5/6/91
Jordon Perlmutter, et al v. United States Gypsum Company, et al.	
No. 87-M-510 U.S. District Court for the District of Colorado	
(Trial testimony by deposition)	
James D. Cornell	4/1/92
The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al.	
No. 84268068/CL 25639 Circuit Court of Baltimore County, Maryland	
(Trial testimony by deposition)	

John H. Crumbaugh	Dayton Independent School District v. United States Gypsum Company No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	8/20/86
T.D. Daniel	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	12/17/86
Robert J. Day	Mayor and City Council of Baltimore, a Municipal Corp. v. Keene Corp., et al. No. 84268068/CL25639 Circuit Court for Baltimore City	5/18/92
Robert J. Day	Mayor and City Council of Baltimore, a Municipal Corp. v. Keene Corp., et al. No. 84268068/CL25639 Circuit Court for Baltimore City (Trial testimony)	5/18/92
Robert J. Day	State of West Virginia Public Building Asbestos Litigation No. 86-C-458 Circuit Court Monongalia County, WV	8/14/92
Donald M. Diersen	Morgan, Jesse R. and Mildred B. v. National Gypsum Company No. 83-1963 U.S. District Court District of Columbia	1/2/86
Donald M. Diersen	Adele Simmons, James M. Furman, and Phillip M. Grace, Liquidating Trustees v. United States Gypsum Company, et al.	9/27/89

No. 88-10253 District Court of Dallas County, 14th
Judicial District

Donald M. Diersen

In Re: State of West Virginia Public Building

12/18/90

Asbestos Litigation

No. 86-C-458 Circuit Court of Monongalia County,
West Virginia

Donald M. Diersen

J.H. Snyder Company, a California Partnership v.

7/29/93

Carey Canada, Inc., et al.

7/30/93

No. C 728 816 Superior Court of California for the
County of Los Angeles

Donald M. Diersen

One Wilshire Arcade Imperial, Ltd., a California Limited

2/2/95

Partnership v. W.R. Grace, et al.

No. BC 011 763 Superior Court of California, County of Los Angeles
(Videotaped)

C.L. Dimling

Lexington County School District Five v.

7/13/83

United States Gypsum Company, et al.

No. 82-2072-0 US District Court of the District
of South Carolina, Columbia District

Edward J. Doherty

University of Miami v. United States Gypsum Co., et al.

11/15/88

No. 87-2232 US Dist. Court Southern Dist of FL

John A. Donahue

Kershaw County Board of Education v. W.R. Grace
Company, et al.

10/27/88

No. CA 85-CP-28-58 Court of Common Pleas in the State
of South Carolina, County of Kershaw

(Trial testimony)

Lawrence Eby	The Corporation of Mercer University v. National Gypsum Company, et al. No. 82-126-3-MAC US District Court for the Middle District of Georgia, Macon County	1/30/86
Lawrence Eby	School District of Independence, Missouri No. 30 v. United States Gypsum Company, et al. No. CV84-05334 Circuit Court Jackson County, MO	8/6/86
Marie Ehrmann	Lexington County School District Five, v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina Columbia Division	7/25/83 7/29/83
Robert P. Faust	Nina A. Bowman, et al. v. Johns-Manville Sales Corp., et al. No. C-2-81 1492 U.S. District Court for the Southern District of Ohio, Eastern Division	3/15/84
Scott Feste	Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company No. 3-84-0315 U.S. District Court Middle District of TN, Nashville District	2/24/89
T.J. Fitzpatrick	Lexington County School District Five, v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina Columbia Division	7/26/83

Bill Fraser	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	12/12/86
Kenneth Freeman	David Donald Smith and Joanne Smith v. W.R. Grace and Company, et al. No. 776308 District Court of Minnesota in the County of Hennepin, Fourth Judicial District	8/27/82
Kenneth Freeman	Kershaw County Board of Education v. W.R. Grace Company, et al. (Trial testimony by deposition) No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	10/28/88
William Gannon	New York Telephone Company v. AAER Sprayed Insulation Inc., a division of Rogers Insulating & Roofing Co., Inc., et al. No. 17280/87 Supreme Court of the State of New York County of New York	8/31/92
Walter Glaser	School District of Philadelphia v. W.R. Grace, et al. No. 146 Court of Common Pleas Philadelphia County	8/9/90
J. Carter Goldsborough	James Nealy v. Celotex No. 88-134-CIV-7 Western Dist. North Carolina	7/6/90
Donald Goss	Kershaw County Board of Education v. W.R. Grace Company, et al.	10/14/86

No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	
Louis Gries Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	12/18/86
Charles H. Haas The Prudential Insurance Company of American, et al. v. United States Gypsum Company No. 87-4227 & 87-4238 District of New Jersey	12/14/90
Archie Hampton Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina Columbia Division	2/1/84
Archie Hampton Dayton Independent School District, et al. v. W.R. Grace & Company, et. al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	12/9/86
Archie Hampton Adams-Arapahoe School District No 28-J v. Celotex Corporation, et al. No. 84-C-1974 U.S. District Court for the District of Colorado (Trial testimony by deposition)	5/16/89
Archie Hampton The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al.	3/31/92

No. 84268068/CL 25639 Circuit Court of Baltimore
County, Maryland
(Trial testimony by deposition)

T. Hardy

Idella Kennell, Hazel Blough, et al. v. Pfizer, Inc.,
et al.

11/17/84

No. 84-0208 & 84-0209 Western Dist. of PA

Norbert Harz

Kershaw County Board of Education v. W.R. Grace
Company, et al.

10/14/86

No. CA 85-CP-28-58 Court of Common Pleas in the State
of South Carolina, County of Kershaw

Carl A. Hedblom

County of Anderson, Tennessee, et al. v. United
States Gypsum Company, et al.
No. 3-83-511 Eastern Dist. of TN, Northern Division

3/8/84

Carl A. Hedblom

Idella Kennell, Hazel Blough, et al. v. Pfizer, Inc.,
et al.

11/13/84

No. 84-0208 & 84-0209 Western Dist. of PA

Carl A. Hedblom

Dayton Independent School District, et al. v. W.R. Grace
& Company, et. al.

3/8/84

No. B-81-277-CA District Court for the Eastern District
of Texas, Beaumont County

Carl A. Hedblom

The Prudential Insurance Company of American, et al.
v. United States Gypsum Company
No. 87-4227 & 87-4238 District of New Jersey

5/15/91

John F. Hernan

David Donald Smith and Joanne Smith v. W.R. Grace and Company, et al.
No. 776308 District Court of Minnesota in the County of Hennepin, Fourth Judicial District

8/25/82

John F. Hernan

Robert Whightsel v. Pfizer, Inc., et al.
No. C-2-83-0125 Southern Dist. of OH, Eastern Div.

6/22/83

John F. Hernan

Lexington County School District Five, v.
United States Gypsum Company, et al.
No. 82-2072-0 US District Court of the District of South Carolina Columbia Division

10/11/83

John F. Hernan

Lexington County School District Five, v.
United States Gypsum Company, et al.
No. 82-2072-0 US District Court of the District of South Carolina Columbia Division
(Trial testimony)

4/6/84

John F. Hernan

County of Anderson, Tennessee, et al. v. United States Gypsum Company, et al.
No. 3-83-511 Eastern Dist. of TN, Northern Division

3/9/84

John F. Hernan

Idella Kennell, Hazel Blough, et al. v. Pfizer, Inc., et al.
No. 84-0208 & 84-0209 Western Dist. of PA

11/12/84

John F. Hernan

School District of Independence, Missouri No. 30 v. United States Gypsum Company, et al.
No. CV84-05334 Circuit Court Jackson County, MO

6/9/86

John F. Hernan	St. Joseph Hospital v. The Celotex Corporation, et al. No. CV186-047 U.S. District Court for the Southern District of Georgia, Augusta Division (Trial testimony)	11/11/86
John F. Hernan	Huntsville City Board of Education v. United States Gypsum Company, et al. No. CV-83-3251 Circuit Court of Madison County	8/4/87
John F. Hernan	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw (Trial testimony by deposition)	10/27/88
John F. Hernan	Boston v. United States Gypsum Company No. 82254 Commonwealth of Massachusetts, County of Suffolk, Supreme Court (Trial testimony by deposition)	11/19/90
John F. Hernan	The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al. No. 84268068/CL 25639 Circuit Court of Baltimore County, Maryland (Trial testimony by deposition)	4/1/92
Edith W. Hickman	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles (Videotaped)	2/2/95

Edith W. Hickman	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles (Trial testimony - under seal)	3/2/95 3/3/95
Mark A. Hickman	School District of Philadelphia v. W.R. Grace, et al. No. 146 Court of Common Pleas Philadelphia County	6/5/90
Mark A. Hickman	State of South Carolina v. W.R. Grace & Co., et al. No. 3:87-2879-0 U.S. District Court in the District of South Carolina Columbia Division	10/18/90
Mark A. Hickman	State of Maryland v. Keene Corporation, et al. No. 1108600 Circuit Court of Anne Arundel County	12/18/90
Mark A. Hickman	Dayton Independent School District, et al. v. W.R. Grace & Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	11/20/91 11/21/91
Mark A. Hickman	Angelo Sangiocomo & Yvonne Sangiocomo v. United States Gypsum Company No. 893828 Superior Court of California County of San Francisco	4/2/93
Mark A. Hickman	Charles E. Johnson v. Owens-Corning Fiberglas, et al., Circuit Court of the Tenth Judicial Circuit, County of Peoria, State of Illinois, Case No. 93 L 544	3/30/94
Mark A. Hickman	One Wilshire Arcade Imperial, Ltd., a California Limited	2/2/95

Partnership v. W.R. Grace, et al.	No. BC 011 763 Superior Court of California, County of Los Angeles (Videotaped)	
Mark A. Hickman	W. R. Grace & Co. and U. S. Gypsum Company v. State of North Dakota and Heidi Heitkamp, Attorney General for the State of North Dakota No. 94-C-2079 and No. 94-C-2099 District Court of the South Central Judicial District of North Dakota, Burleigh County	3/8/95
James F. Hofrichter	The Prudential Insurance Company of American, et al. v. United States Gypsum Company No. 87-4227 & 87-4238 District of New Jersey	1/3/91
Richard Hopper	Clemson University and the College of Charleston on behalf of themselves and all others similarly situated v. W.R. Grace & Company, et al. No. 2:86-2055-2 US District Court of the District of South Carolina	6/25/87
Richard Hopper	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 US District Court of the District of New Jersey	7/27/87
Richard Hopper	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 US District Court of the District of New Jersey (Trial testimony by deposition)	12/24/88

Clarence Howard, Jr.	Richland County South Dakota One v. W.R. Grace & Company, et al. v. United States Gypsum Company, et al. No. 82-CP-403050 US District Court of the District of South Carolina, Greenville Division	7/6/84
Clarence Howard, Jr.	Greenville County School District v. United States Gypsum Company, et al. No. 82-3142-14 U.S. District Court for the District of South Carolina, Greenville Division	7/6/84
Clarence Howard, Jr.	Idella Kennell, Hazel Blough, et al. v. Pfizer, Inc., et al. No. 84-0208 & 84-0209 Western Dist. of PA	11/13/84
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Edwin Jakacki	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 US District Court of the District of New Jersey	7/27/87
Edwin Jakacki	Wesley Theological Seminary v. United States Gypsum Company No. 85-1606 In The U.S. District Court in the District of Columbia	11/17/87

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Edwin Jakacki	Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company No. 3-84-0315 U.S. District Court Middle District of TN, Nashville District	2/24/89
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Edwin Jakacki	Hebron Public School District No. 13 of Morton County State of North Dakota v. United States Gypsum Company District of North Dakota, Southwestern Division No. A1-86-184 (Trial testimony)	8/29/89
Edwin Jakacki	Kennedy, Alexander v. AC&S In the U.S. District Court for the District of Delaware #88-18(JRR)	12/5/89
Edwin Jakacki	Highline School District No. 401 v. Turner and Newall PLC, et al. Docket No. 86-2-16632-7 Superior Court of the State of Washington in and for the County of King (Trial testimony)	1/22/90
Edwin Jakacki	The Rowan County Board of Education, a Public Body Politic v. United States Gypsum Company No. 86 CVS 948 Superior Court, State of North Carolina, County of Rowan	4/19/90
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Edwin Jakacki	Linda Atchley v. United States Gypsum Company No. 84CV677 District Court for the County of Boulder, State of Colorado (Trial testimony)	9/25/90
Edwin Jakacki	City of Boston v. United States Gypsum Company No. 82254 Commonwealth of Massachusetts, County of Suffolk, Supreme Court	11/28/90
Edwin Jakacki	State of Mississippi v. United States Gypsum Company No. 89-5138 In the Circuit Court of Jackson County, Mississippi	11/30/90
Edwin Jakacki	Akron City School District v. Armstrong World Industries, et al. No. CV 85 4 1242 In the Court of Common Pleas, Summit County Ohio	1/8/91

Edwin Jakacki	State of Maryland v. Keene Corporation, et al. No. 1108600 Circuit Court of Anne Arundel County (Trial testimony)	1/24/91
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Edwin Jakacki	The Mayor and City Council of Baltimore, a Municipal Corporation v. Keene Corporation, et al. No. 84268068/CL 25639 Circuit Court of Baltimore County, Maryland (Trial testimony by deposition)	3/30/92
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Company, et al.
No. 5388 Court of Common Pleas, Philadelphia County, PA

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Gerhardt Krug	Eulis Dykes v. United States Gypsum Company No. 3-82-618 US District Court of the Eastern District of Tennessee Northern Division	3/25/83
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Gerhardt Krug	Jordon Perlmuter, et al v. United States Gypsum Company, et al. No. 87-M-510 U.S. District Court for the District of Colorado (Trial testimony by deposition)	5/7/91

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(aka Lovato)

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(aka Lovato)

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Elaine E. LaMarre
(aka Lovato)

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Gypsum Company

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Elaine E. LaMarre
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Sherry Wolfe, et al. constituting Washington County
Board of Education v. United States Gypsum Company, et al.
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Frank May	No. 84268068/CL25639 Circuit Court for Baltimore City In Re: State of West Virginia Public Building Asbestos Litigation No. 86-C-458 Circuit Court Monongalia County, WV	4/12/91
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Susan McCarthy	University of South Carolina, State of South Carolina County of Richland v. W.R. Grace & Company, et al. No. 85-CP-40-3789 Court of Common Pleas of the 5th Judicial Circuit	3/24/89
Owen McCoy	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	11/6/86
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William McManus	State of Maryland v. Keene Corporation No. 1108600 Circuit Court of Anne Arundel County	12/19/88

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J.J. O'Malley

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Donald Reid	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	12/17/86
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Robert Russell	Dayton Independent School District, et al. v. W. R. Grace & Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	12/10/86
Vincent Salvo	Port Authority of New York and New Jersey No. 91-CIV-0310 US District Court for the Southern District of New York	5/23/91
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Marvin Schmidt	Dayton Independent School District, et al. v. W. R. Grace & Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	10/7/86
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Carl Setterburg	One Wilshire Arcade Imperial, Ltd., a California Limited Partnership v. W.R. Grace, et al. No. BC 011 763 Superior Court of California, County of Los Angeles	2/20/95 2/21/95
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Philip Shaeffer	The Prudential Insurance Company of American, et al. v. United States Gypsum Company No. 87-4227 & 87-4238 District of New Jersey	12/12/90
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No. 82-2072-0 US District Court of the District of South Carolina, Columbia Division		
School District of Independence, Missouri No. 30 v. United States Gypsum Company, et al.		7/25/86
No. CV84-05334 Circuit Court Jackson County, MO		
Greenville County South Carolina v. United States Gypsum Company, et al.		7/19/88
No. 82-3142-14 US District Court, District of South		

Francis W. Taylor	Carolina Greenville District (Trial testimony by deposition)	12/18/86
	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	
Jim Thayer	Board of Education City of Chicago v. ACandS, et al. No. 92 L 9934, 92 L 9933, 92 L 9932, 92 L 9927 Circuit Court of Cook County, Illinois, County Department, Law Division	3/24/92
Melvin L. Thornton	Clemson University and the College of Charleston on behalf of themselves and all others similarly situated v. W.R. Grace & Company, et al. No. 2:86-2055-2 US District Court of the District of South Carolina	1/20/87
Melvin Thornton	Robert Blair, et al. v. Raymark Industries, et al. No. L-039621-85 Superior Court of New Jersey, Middlesex County, Law Division	3/31/88
Melvin Thornton	California Sansome Company and Market Company v. United States Gypsum Company, and W.R. Grace Co. No. C89 1387 EFL U.S. District Court, Northern District of California	4/20/90
Suzanne K. Torrey	Kershaw County Board of Education v. W.R. Grace Co., et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of	11/25/85 7/29/86

Suzanne K. Torrey	South Carolina, County of Kershaw	11/25/85
	Sherry Wolfe, et al. constituting Washington County Board of Education v. United States Gypsum Company, et al. No. 2-83-329 U.S. District Court, Eastern District of Tennessee, Eastern Division	
Suzanne K. Torrey	Greenville County South Carolina v. United States Gypsum Company, et al. No. 82-3142-14 US District Court, District of South Carolina Greenville District (Motion hearing)	4/24/86 5/30/86
Suzanne K. Torrey	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	7/29/86
Suzanne K. Torrey	Spartanburg County School District No. 83-1744-3 U.S. District Court for South Carolina Greenville Division, Spartanburg (Trial testimony)	4/27/87
Suzanne K. Torrey	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw (Trial testimony by deposition)	10/27/88
Suzanne K. Torrey	Hebron Public School District No. 13 of Morton County	7/13/89

Suzanne K. Torrey	State of North Dakota v. United States Gypsum Company District of North Dakota, Southwestern Division No. A1-86-184 (Trial testimony by deposition)	5/29/90
Suzanne K. Torrey	Tioga Public Schools District No. 15 v. United States Gypsum Company No. A4-88-257 In the U.S. District Court for the District of North Dakota (Trial testimony by deposition)	7/29/93
Suzanne K. Torrey	Bayonne Board of Education v. United States Gypsum Co., et al. No. HUD-000013-92 Superior Court of the District of New Jersey, Law Division: Hudson County	3/30/94
Walter L. Tyson	Charles E. Johnson v. Owens-Corning Fiberglas, et al., Circuit Court of the Tenth Judicial Circuit, County of Peoria, State of Illinois, Case No. 93 L 544	12/10/82
Walter L. Tyson	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 US District Court of the District of New Jersey	10/24/88
Walter L. Tyson	Cinnaminson Township Board of Education v. United States Gypsum Company No. 80-1842 US District Court of the District of New Jersey (Trial testimony by deposition)	

John D. Ueber	Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia Division	2/1/84
Donald R. Vandermyde	Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	10/14/86
Frank Vernon	School District of Independence, Missouri No. 30 v. United States Gypsum Company, et al. No. CV84-05334 Circuit Court Jackson County, MO	7/24/86
Roland G. Waite	Nina A. Bowman, et al. v. Johns-Manville Sales Corporation, et al. No. C-2-81-1490 U.S. District Court for the Southern District of Ohio, Eastern Division	3/16/84
Roland G. Waite	Dayton Independent School District, et al. v. W. R. Grace & Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	2/6/85
James N. Walker	Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia Division	7/26/83
James N. Walker	Anderson County TN v. United States Gypsum Company,	2/7/85

et al. - In the United States District Court for the Eastern District, Northern Division No. CV 3-83-511	
Frank R. Wall Lexington County School District Five v. United States Gypsum Company, et al. No. 82-2072-0 US District Court of the District of South Carolina, Columbia Division	7/27/83
John E. Walsh Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	8/4/86
John E. Walsh School District of Independence, Missouri No. 30 v. United States Gypsum Company, et al. No. CV84-05334 Circuit Court Jackson County, MO	8/4/86
Andrew J. Watt Anderson County TN v. United States Gypsum Company, et al. - In the United States District Court for the Eastern District, Northern Division No. CV 3-83-511	2/7/85
Andrew J. Watt Anderson County TN v. United States Gypsum Company, et al. - In the United States District Court for the Eastern District, Northern Division No. CV 3-83-511 (Trial testimony by deposition)	2/25/85
Wayne Weber Clemson University and the College of Charleston	8/28/87

on behalf of themselves and all others similarly
situated v. W.R. Grace & Company, et al.
No. 2:86-2055-2 US District Court of the District
of South Carolina

Richard L. Welty

Greenville County South Carolina v. United States Gypsum
Company, et al.
No. 82-3142-14 US District Court, District of South
Carolina Greenville District

7/14/83

Richard L. Welty

Lexington County School District Five v. United States
Gypsum Company, et al.
No. 82-2072-0 US District Court of the District of
South Carolina, Columbia Division

7/14/83

Richard L. Welty

Anderson County TN v. United States Gypsum Company,
et al. - In the United States District Court for the
Eastern District, Northern Division
No. CV 3-83-511

2/27/84

Richard L. Welty

County of Louden, Tennessee, Acting By and Through
Its Board of Education and Superintendent of Schools
v. United States Gypsum Company, et al.
No. 2-83-262 U.S. District Court for the Eastern District
of Tennessee, Northern Division

2/27/84

Richard L. Welty

County of Johnson, Tennessee, Acting By and Through
Its Board of Education and Superintendent of Schools
v. United States Gypsum Company, et al.
No. 2-83-262 U.S. District Court for the Eastern District

2/27/84

Richard L. Welty	of Tennessee, Northern Division Dayton Independent School District, et al. v. W. R. Grace & Company, et al. No. B-81-277-CA District Court for the Eastern District of Texas, Beaumont County	10/11/84
Richard L. Welty	Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company No. 3-84-0315 U.S. District Court Middle District of TN, Nashville District	8/19/86
Richard L. Welty	Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company No. 3-84-0315 U.S. District Court Middle District of TN, Nashville District (Trial testimony by deposition)	3/30/89
Robert J. Wenk	Anderson County TN v. United States Gypsum Company, et al. - In the United States District Court for the Eastern District, Northern Division No. CV 3-83-511	3/8/84
Robert J. Wenk	Anderson County TN v. United States Gypsum Company, et al. - In the United States District Court for the Eastern District, Northern Division No. CV 3-83-511 (Trial testimony by deposition)	2/28/85
Bruce A. Wittrup	The Corporation of Mercer University v. National Gypsum	1/30/85

Bruce A. Wittrup	Company, et al. No. 82-126-3-MAC US District Court for the Middle District of Georgia, Macon County	1/24/86
Bruce A. Wittrup	State of Maryland v. Keene Corporation, et al. No. 1108600 Circuit Court of Anne Arundel County Kershaw County Board of Education v. W.R. Grace Company, et al. No. CA 85-CP-28-58 Court of Common Pleas in the State of South Carolina, County of Kershaw	5/16/86
Bruce A. Wittrup	Mason Public Schools, et al. v. W.R. Grace & Company, et al. No. 84-52860-NZ Circuit Court for the State of Michigan, County of Ingham	5/16/86
Bruce A. Wittrup	In Re: State of West Virginia Public Building Asbestos Litigation No. 86-C-458 Circuit Court Monongalia County, WV	5/1/91
Christopher Wolfe	Clarksville-Montgomery County Board of Education, Tennessee v. United States Gypsum Company No. 3-84-0315 U.S. District Court Middle District of TN, Nashville District (Trial testimony)	3/30/90
Dennis Yosick	California Sansome Company and Market Company v. United States Gypsum Company, and W.R. Grace Co. No. C89 1387 EFL U.S. District Court, Northern	4/19/90

Robert Zegley

District of California

School District of Philadelphia v. W.R. Grace, et al.
No. 146 Court of Common Pleas Philadelphia County

8/16/90

Revised October 31, 1995
WP/12841

3 F 9898

**NANCY KEILHACK, Individually and as Special Administrator of the
Estate of THOMAS KEILHACK, Deceased**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF McLEAN
Law No.: 92 L 195**

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ATTORNEYS FOR KEENE CORPORATION (BANKRUPT)

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
McLEAN COUNTY

NANCY KEILHACK, Individually and as)
Special Administrator of the Estate)
of THOMAS KEILHACK, Deceased,)

Plaintiff,)

vs.)

OWENS-CORNING FIBERGLAS CORPORATION,)
et al.,)

Defendants.)

LAW NO. 92 L 212

CERTIFICATION OF COUNSEL

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY, by HEYL, ROYSTER, VOELKER & ALLEN, and certifies that defendant has this date complied with the following discovery propounded by plaintiff, NANCY KEILHACK, Individually and as Special Administrator of the Estate of THOMAS KEILHACK, Deceased (COPIES AVAILABLE UPON REQUEST):

Answers to Interrogatories

Response to Request to Produce

UNITED STATES GYPSUM COMPANY

BY:

Christopher P. Larson
HEYL, ROYSTER, VOELKER & ALLEN
Christopher P. Larson
#6187711

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 29th day of December, 1995.

(See attached list)

Christopher P. Larson
Christopher P. Larson

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VOELKER
& ALLEN**

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Fax (309) 676-3374
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JAN 02 1996

3 F 9898

NANCY KEILHACK, Individually and as Special Administrator of the
Estate of THOMAS KEILHACK, Deceased

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF McLEAN
Law No.: 92 L 195

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ATTORNEYS FOR KEENE CORPORATION (BANKRUPT)



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
McLEAN COUNTY

NANCY KEILHACK, Individually and as)
Special Administrator of the Estate)
of THOMAS KEILHACK, Deceased,)

Plaintiff,)

vs.)

OWENS-CORNING FIBERGLAS CORPORATION,)
et al.,)

Defendants.)

LAW NO. 92 L 212

RESPONSE TO REQUEST TO PRODUCE

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY, by HEYL, ROYSTER, VOELKER & ALLEN, its attorneys, and for Response to the First Request for Discovery previously propounded upon it by plaintiff, NANCY KEILHACK, Individually and as Special Administrator of the Estate of THOMAS KEILHACK, Deceased, states as follows:

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiff's counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Requests. Accordingly, by way of further response to these Requests, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

HEYL ROYSTER
VOELKER
& ALLEN

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In giving its responses to Requests as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Requests on behalf of itself.

U.S. Gypsum further objects to these Requests to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Requests to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will

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produce documents which are the proper subjects of an appropriate document request.

REQUEST NO. 1: All witness statements, of any sort, whether signed or unsigned, of any person having knowledge of the facts of this case, excluding only those privileged against disclosure at trial, in the possession or under the control of FIBREBOARD CORPORATION and/or an attorney representing it in this or any other asbestos disease litigation.

RESPONSE: As to this particular case, none.

REQUEST NO. 2: All data as to the physical or mental condition of Thomas Keilhack excluding all documents provided you by Plaintiff's counsel.

RESPONSE: None other than that obtained through formal discovery.

REQUEST NO. 3: All photographs, slides, motion pictures, models, maps, sketches, diagrams or drawings depicting the plant or machinery in question, any parts thereof, or of Thomas Keilhack.

RESPONSE: None at this time.

REQUEST NO. 4: All photographs, models, sketches or diagrams of any of the sites at which Thomas Keilhack worked.

RESPONSE: None at this time.

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personnel and employment records which evidence or reflect the duration, quantity and quality of his or her exposure to asbestos while employed by Defendant.

RESPONSE: U.S. Gypsum objects to this request to the extent it seeks information which is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Additionally, U.S. Gypsum objects to the production of confidential medical records of employees or former employees whose consent for such production has not been obtained. Finally, U.S. Gypsum objects to this request to the extent it seeks information which is protected from discovery by virtue of the attorney-client privilege or the attorney work product doctrine.

Subject to the foregoing objection, U.S. Gypsum will make available to plaintiff for its inspection and review workmen's compensation face sheets alleging asbestos-related injuries, as noted on those face sheets.

REQUEST NO. 11: Each written warning, caution or other document which was intended by Defendant to reach those persons who would breathe or ingest the asbestos from asbestos containing products manufactured and/or sold by Defendant.

RESPONSE: Objection. This request improperly assumes facts which are not in evidence and which are issues in controversy in this lawsuit. Specifically, this defendant objects to the assumption made that products manufactured by

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immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 14: Each policy of insurance which may be construed to provide coverage for the claim stated in the Complaint.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 15: All documents reflecting payments or agreements for payments made under any of the policies described in the preceding paragraph which the carrier claims or could claim as a full or partial exhaustion of the policy limits or otherwise affect the amount of coverage available in this case.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

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REQUEST NO. 16: Each document authored by an employee of Defendant in the course of his employment, dealing in whole or in part with the consequences of exposure to asbestos.

RESPONSE: Objection. This request is vague and ambiguous, overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 17: All medical records of those present or former employees of Defendant who have filed claims for worker's compensation or occupational disease benefits alleging an injury or disease from exposure to asbestos and all personnel and employment records which evidence or reflect the duration, quantity and quality of his or her exposure to asbestos while employed by Defendant.

RESPONSE: Objection. This request is irrelevant and unduly burdensome in that it has already been asked and answered as Request No. 10. See this defendant's response to Request No. 10.

REQUEST NO. 18: Each written warning, caution or other document which was intended by Defendant to reach those persons

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who would breath or ingest the asbestos from asbestos containing products manufactured and/or sold by Defendant.

RESPONSE: Objection. This request is irrelevant and unduly burdensome in that it has already been asked and answered as Request No. 11. See this defendant's response to Request No. 11.

REQUEST NO. 19: A transcript (including exhibits) of each instance where an employee of Defendant testified at deposition or trial in asbestos disease litigation.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 20: A transcript (including exhibits) of each instance where an individual whom Defendant listed, retained or called as an expert witness, testified at deposition or trial in asbestos disease litigation.

RESPONSE: Objection: overly broad, unreasonably burdensome and not calculated to lead to the discovery of admissible evidence.

REQUEST NO. 21: All agreements to which Defendant is a party and which relate to the manner in which this case shall be evaluated, delayed or defended, including, but not limited

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to, all Wellington agreements and all documents exchanged by the parties thereto.

RESPONSE: Objection: overly broad, unreasonably burdensome and not calculated to lead to the discovery of admissible evidence.

REQUEST NO. 22: Defendant's last three annual reports.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 23: All documents, objects, and tangible things, as defined in Supreme Court Rule 214, which are or were in the possession of any consulting expert as defined in Supreme Court Rule 220 which do not contain the consulting expert's opinion.

RESPONSE: Objection. This request asks for documents which are protected from disclosure. Notwithstanding our objection, none at this time, investigation continues.

REQUEST NO. 24: All documents reflecting or evidencing the sale and/or shipment of asbestos-containing products to any job site listed on Exhibit A, including, but not limited to, purchase orders, invoices, accounts receivable cards, and bills of lading.

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312-3374
00

RESPONSE: U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U.S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

REQUEST NO. 25: A list of the names, addresses and employers of each person involved or consulted in the preparation of your response to this Request.

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VOELKER
& ALLEN

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676-0400

RESPONSE: M. L. Higley, Director, Financial Services, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

REQUEST NO. 26: An affidavit stating whether production is complete according to the knowledge of Defendant and Defendant's insurance carriers, attorneys, agents and employees.

RESPONSE: See this defendant's response to Request No. 25.

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& ALLEN

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Fax (309) 676-0400

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, M. L. Higley, declare:

I am the Director, Financial Services of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

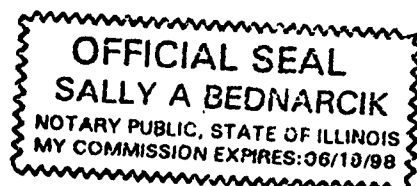
I have read the foregoing Answers, Objections, and other Responses to Plaintiff's Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on December 18, 1995 in Chicago, Illinois.

M. L. Higley
M. L. Higley

Subscribed and sworn to before me
this 18th day of December, 1995.

Sally A. Bednarcik
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 29th day of December, 1995.

(See attached list)



Christopher P. Larson

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& ALLEN

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(309) 676-0400

3 F 9898

NANCY KEILHACK, Individually and as Special Administrator of the
Estate of THOMAS KEILHACK, Deceased

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF McLEAN
Law No.: 92 L 195

ATTORNEYS FOR PLAINTIFFS

James Walker, Ltd.
207 W. Jefferson St.
P.O. Box 3455
Bloomington, IL 61702-3455

ATTORNEYS FOR OWENS-CORNING FIBERGLAS CORPORATION

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Kelley, Drye & Warren
303 W. Madison - 14th Floor
Chicago, IL 60606

ATTORNEYS FOR ABEX CORPORATION

Robert W. Scott
Swain, Hartshorn & Scott
1806 Savings Center Tower
411 Hamilton Blvd.
Peoria, IL 61602

ATTORNEYS FOR METROPOLITAN LIFE INSURANCE COMPANY

Margaret E. Gleason
Skadden, Arps, Slate, Meagher & Flom
333 W. Wacker
Suite 2100
Chicago, IL 60606

ATTORNEYS FOR OWENS-ILLINOIS, INC.

Robert Riley
Schiff, Hardin & Waite
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Estate of THOMAS KEILHACK, Deceased

ATTORNEYS FOR PITTSBURGH CORNING CORPORATION

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Jeff Matthews
Polisinelli, White, Vardeman & Shalton
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Kansas City, MO 64112-1802

ATTORNEYS FOR FIBREBOARD CORPORATION

Michael Connelly
Connelly & Schroeder
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Chicago, IL 60606

ATTORNEYS FOR COMBUSTION ENGINEERING, INC. (DISMISSED)

**ATTORNEYS FOR ARMSTRONG WORLD INDUSTRIES, INC., NATIONAL GYPSUM
COMPANY, GAF CORPORATION, and UNITED STATES GYPSUM COMPANY**

Christopher P. Larson
Heyl, Royster, Voelker & Allen
600 Bank One Building
124 S.W. Adams St.
Peoria, IL 61602

ATTORNEYS FOR W. R. GRACE & CO.

Bret S. Babcock
Attorney at Law
411 Commerce Bank Bldg.
Peoria, IL 61602

ATTORNEYS FOR THE FLINTKOTE COMPANY

Jack Block
Sachnoff & Weaver, Ltd.
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Suite 2900
Chicago, IL 60606-7484

ATTORNEYS FOR BRAND INSULATIONS, INC.

Thomas Platt
Kurnik, Cipolla, Stephenson and Barasha, Ltd.
120 W. Eastman
Suite 302
Arlington Heights, IL 60004

NANCY KEILHACK, Individually and as Special Administrator of the
Estate of THOMAS KEILHACK, Deceased

Don C. Hammer
Hayes, Schneider, Hammer, Miles & Cox
202 N. Center St.
P.O. Box 3067
Bloomington, IL 61702

ATTORNEYS FOR SPRINKMANN SONS CORP. OF ILLINOIS

James L. Hafele & Associates
1400 Commerce Bank Bldg.
Peoria, IL 61602

ATTORNEYS FOR JOHN CRANE, INC.

Law Office of William Koziol
1 Kemper Drive
Long Grove, IL 60049

ATTORNEYS FOR BABCOCK & WILCOX

Arnstein, & Lehr
120 S. Riverside Plaza - Suite 1200
Chicago, IL 60606-3913

ATTORNEYS FOR ANCHOR PACKING COMPANY and GARLOCK, INC.

William J. Mahoney
Segal, McCambridge, Singer & Mahoney
20 S. Clark - Suite 700
Chicago, IL 60603

ATTORNEYS FOR KEENE CORPORATION (BANKRUPT)



STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MC LEAN

ELEANOR PRICE, Individually and as) IN RE: ASBESTOS LITIGATION
Special Administrator of the)
Estate of Floyd Price, deceased,)
)
Plaintiff,)
)
vs.) LAW NO. 95 L 50
)
UNARCO INDUSTRIES, INC., et al.,)
)
Defendants.)

ANSWERS TO INTERROGATORIES

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY,
by HEYL, ROYSTER, VOELKER & ALLEN, its attorneys, and for
answer to the Interrogatories previously propounded to
defendant, UNITED STATES GYPSUM COMPANY, by the plaintiff,
ELEANOR PRICE, states as follows:

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum")
has, to the best of its abilities, gathered non-privileged
documents into a document repository for inspection by
plaintiffs' counsel in response to requests for production
served in asbestos litigation. These documents provide
information that supplements and expands upon that provided in
these answers to Interrogatories. Accordingly, by way of
further response to these Interrogatories, U.S. Gypsum hereby
offers to make available these documents at a mutually
convenient time at its offices at 125 S. Franklin Street,
Chicago, Illinois.

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VOELKER
& ALLEN

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Fax (309) 676-3374
(309) 676-0400

MAY 01 1996 *MLC*

In giving responses to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S.

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Gypsum will produce documents which are the proper subjects of an appropriate document request.

INTERROGATORY NO. 1: State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer who has taken the "reasonable steps to search the 'corporate memory' of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporate agents" as required in *Campen v. Executive House Hotel, Inc.*, 105 Ill. app. 3d 576, 587 (1st Dist. 1982).

ANSWER: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

M.L. Higley, Director, Financial Services, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Response. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to

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identify each document which may have provided information used in preparing these Responses.

INTERROGATORY NO. 2: State the name, address, phone number and subject of testimony of those persons which you will call as witnesses at trial.

ANSWER: Unknown at this time. Discovery continues.

INTERROGATORY NO. 3: State the following regarding each person from whom you may offer opinion testimony:

- (a) name, address and employer;
- (b) whether the person has been retained to provide testimony;
- (c) the subject on which the witness is expected to testify;
- (d) the witness' conclusions and opinions and the bases therefore;
- (e) the qualifications of the witness;
- (f) provide all reports of the witness.

ANSWER: Unknown at this time. Discovery continues.

INTERROGATORY NO. 4: State the following regarding each statement (whether oral or written, signed or unsigned) concerning the occurrence described in the complaint: the name and last known address of the person making the statement;

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when, where and by whom the statement was taken; whether there is any tangible preservation of the statement, and if so, the name and address of the person having possession of the same.

ANSWER: None.

INTERROGATORY NO. 5: If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence, state the full name and address of each such firm or adjuster.

ANSWER:

None.

INTERROGATORY NO. 6: If you have any information regarding Floyd Price's physical condition other than that information furnished you by Plaintiff's counsel, state the nature of the information, the name and address of its source, and if documentary in nature, its present location.

ANSWER: Not applicable.

INTERROGATORY NO. 7: If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each such policy: the name of the company; the policy number; the effective period; the maximum liability limits; what amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available; whether the carrier denied coverage or tendered a defense under a

reservation of rights; whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage; and which, if any, of the carriers listed in your answer is providing a defense to this suit.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8: State the name and address of each person who has employed the lawyer(s) representing you in this case. Illinois Supreme Court Rule of Professional Conduct 3.3(a)(8).

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and privileged. Without waiving this objection, this defendant is represented by Heyl, Royster, Voelker & Allen in this matter and consents to said representation.

INTERROGATORY NO. 9: State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

ANSWER: See this defendant's response to Interrogatory No. 11. With respect to whether or not these individuals completed as residency in public health or occupational medicine, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a

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mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 10: State the following about each current employee of Defendant who is an industrial hygienist: name, business address and job title.

ANSWER: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986, to June 21, 1988. He was succeeded in that position by R. P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

This defendant employed J. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H. C. Brown as an industrial hygienist from 9/28/87 to 11/90.

INTERROGATORY NO. 11: Has Defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as medical director? If so, state the following as to each person who has held this position:

- (a) the name and address of the person;
- (b) the name of the position he or she held;
- (c) The dates during which he or she held the position;
- (d) the address of his or her office during the time he or she held the position;
- (e) state whether there was a written job description for that position at that time;

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- (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

ANSWER: (a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to 8-31-89 (retired).

W. Highstone, M.D. - 1939 to 1974 (deceased).

In addition, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 1.

(e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

INTERROGATORY NO. 12: Has Defendant ever directed or contributed money toward a study of the effects of asbestos

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upon the health of animals or man? If so, state the following as to each such study:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) brief description of the study;
- (d) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: U.S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds.

U.S. Gypsum Company contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 13: Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;

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- (d) the number of employees studied;
- (e) brief description of the study;
- (f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 14: Have there been any instances where asbestos was a cause of mesothelioma in man?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitted a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 15: How much asbestos is necessary to cause mesothelioma in man?

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ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 16: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 17: Has Defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each such warning:

- (a) the language of the warning;
- (b) date first issued or distributed;

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- (c) date last issued or distributed;
- (d) the method of communication or distribution used;
- (e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

ANSWER: Specifically with respect to mesothelioma, not to this defendant's best current knowledge, information and belief. With respect to other warnings issued by this defendant on its asbestos-containing products, see attached Exhibit No. 3.

INTERROGATORY NO. 18: If your answer to the preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

ANSWER: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 19: If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning provided the person at risk of contracting mesothelioma with a same appreciation of the

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severity of the disease and the probability of contracting the same.

ANSWER: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 20: If your response to any interrogatory is an objection that it was burdensome, state the name, address and position of the person most knowledgeable about the effort that would be required to answer the interrogatory and the estimate of that person regarding the man-hours that would be required to answer the interrogatory.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, M. L. Higley, declare:

I am the Director, Financial Services, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

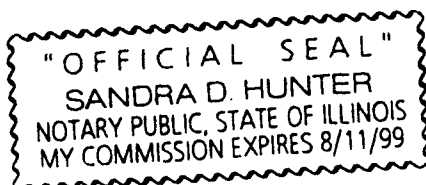
I have read the foregoing Answers, Objections, and other Responses to Plaintiffs' Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on April 22, 1996 in Chicago, Illinois.

M. L. Higley
M. L. Higley

Subscribed and sworn to before me
this 22 day of April, 1996.

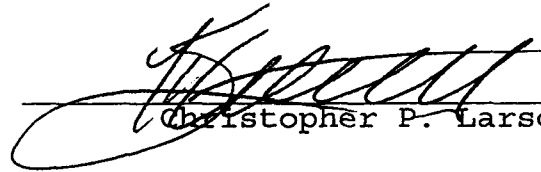
Sandra D. Hunter
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 30 day of April, 1996.

See attached services list.


Christopher P. Larson

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February 1, 1989

Schedu

Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.

J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.

W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.

O. Beck, M.D.

J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.

S. L. Gilbert, M.D.

F. C. Atkinson, M.D.

R. F. Duchouquette, M.D.

W. D. Stevenson, M.D.

D. H. Waddell, M.D.

R. R. Henry, M.D.

Z. L. Dameron, M.D.

W. D. Lee, M.D.

A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.

J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.

P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic

J. M. Watson, M.D.

M. Raymond, M.D.

J. C. Kelly, M.D.

F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.

J. Anable, M.D.

Dr. Cook

South Gate, California

H. Caesar, M.D.

Family Medical Clinic

(Various physicians. Names unavailable)

Firestone Medical Group

(Various physicians. Names unavailable)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.

I. J. Bruhn, M.D.

J. A. Carroll, M.D.

A. C. Sapida, M.D.

Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.

E. Staffier, M.D.

A. C. Leavitt, M.D.

Sullivan Square

American Mutual Insurance Clinic

Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.

F. B. Nelson, M.D.

C. F. Dent, M.D.

E. E. Goe, M.D.

S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.

F. W. Nicklas, M.D.

H. Hagan, M.D.

Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational
Health Center

Galena Park, Texas

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.

Norfolk, Virginia (continued)

D. C. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger
Dr. Natelson
Dr. Zuka
Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.
J. F. Roules, M.D.
Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.
R. M. LaSalle, Jr., M.D.
R. M. LaSalle, Sr., M.D.
R. M. LaSalle, M.D.
W. D. Boaz, M.D.
P. Ferguson, M.D.
F. Smyrniotis, M.D.
J. E. Haughn, M.D.
LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.
F. G. Mainolfi, M.D.
Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North
Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.
J. Dean, M.D.
Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.
R. Kirby, M.D.
T. Perry, M.D.
R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worcester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic
W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Cambell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.
R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.

Alabaster, Michigan (continued)

J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Convers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid 1960s prior to selling the plant to Conwed Corporation, and US Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically how it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

RESPONSE

U.S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

"Caution: Contains
Asbestos Fibers. Avoid
Creating Dust. Breathing
Asbestos Dust May Cause
Serious Bodily Harm"

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U.S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966.

"Contains Asbestos"

The following appeared on SprayDon in subsequent years.

"Caution: This product
contains asbestos."
(1968)

"Caution: This product
contains asbestos which
may be harmful to lungs
if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W.W. Henry Company and resold by U.S. Gypsum, the following appeared on the label for this product after 1972:

Contents
Asphalt Petroleum Spirits
Asbestos Fiber

U.S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient on packaging for its texture product, Imperial QT. Investigation continuing.

8 H 3571

ELEANOR PRICE, Individually and as Special Administrator of the
Estate of FLOYD PRICE, Deceased

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS
No. 95 L 50

ATTORNEYS FOR PLAINTIFF

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

STELLE LEWANDOWSKI, Individually	)	IN RE: ASBESTOS
and as Special Administrator of the	)	LITIGATION
Estate of BENJAMIN LEWANDOWSKI,	)	
Deceased,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	LAW NO. 92 L 3472
	)	
OWENS-CORNING CORPORATION, et al.,	)	
	)	
Defendants.	)	

UNITED STATES GYPSUM COMPANY'S RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Interrogatories. Accordingly, by way of further response to these Interrogatories, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

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& ALLEN

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MAY 03 1996

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth *infra*, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: State the exact name, date and state of incorporation of the corporation providing the answers

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to these interrogatories and the name of the agent or officer who has taken the "reasonable steps to search the 'corporate memory' of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporate agents" as required in *Campan v. Executive House Hotel, Inc.*, 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

RESPONSE: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

M.L. Higley, Director, Financial Services, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continued review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

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INTERROGATORY NO. 2: State the name, address, phone number and subject of testimony of those persons which you will call as witnesses at trial.

RESPONSE: Unknown at this time. Discovery continues. This defendant reserves the right to supplement this response.

INTERROGATORY NO. 3: State the following regarding each person from whom you may offer opinion testimony:

- (a) name, address and employer;
- (b) whether the person has been retained to provide testimony;
- (c) the subject on which the witness is expected to testify;
- (d) the witness' conclusions and opinions and the bases therefore;
- (e) the qualifications of the witness;
- (f) provide all reports of the witness.

RESPONSE: See response to Interrogatory No. 2.

INTERROGATORY NO. 4: State the following regarding each statement (whether oral or written, signed or unsigned) concerning the occurrence described in the complaint: the name and last known address of the person making the statement; when, where and by whom the statement was taken; whether there is any tangible preservation of the statement, and if so, the name and address of the person having possession of the same.

RESPONSE: None other than through formal discovery.

INTERROGATORY NO. 5: If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning

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the occurrence, state the full name and address of each such firm or adjuster.

RESPONSE: None other than through formal discovery.

INTERROGATORY NO. 6: If you have any information regarding Benjamin Lewandowski's physical condition other than that information furnished you by Plaintiff's counsel, state the nature of the information, the name and address of its source, and if documentary in nature, its present location.

RESPONSE: None other than through formal discovery.

INTERROGATORY NO. 7: If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each such policy: the name of the company; the policy number; the effective period; the maximum liability limits; what amounts, if any, have previously been paid under the policy which in the opinion of the carrier reduces the coverage available; whether the carrier denied coverage or tendered a defense under a reservation of rights; whether the policy contains and first party medical pay or disability coverage, and, if so, describe the coverage; and which, if any, of the carriers listed in your answer is providing a defense to this suit.

RESPONSE: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

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INTERROGATORY NO. 8: State the name and address of each person who has employed the lawyer(s) representing you in this case. Illinois Supreme Court Rule of Professional Conduct 3.3(a) (8).

RESPONSE: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and privileged. Without waiving this objection, this defendant is represented by Heyl, Royster, Voelker and Allen in this matter and consents to said representation.

INTERROGATORY NO. 9: State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

RESPONSE: See this defendant's response to Interrogatory No. 11. With respect to whether or not these individuals completed a residency in public health or occupational medicine, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 10: State the following about each current employee of Defendant who is an industrial hygienist: name, business address and job title.

RESPONSE: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. He

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was succeeded in that position by R.P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

This defendant employed H. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H.C. Brown as an industrial hygienist from 9/28/87 to 11/90.

INTERROGATORY NO. 11: Has Defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

- (a) the name and address of the person;
- (b) the name of the position he or she held;
- (c) the dates during which he or she held the position;
- (d) the address of his or her office during the time he or she held the position;
- (e) state whether there was a written job description for that position at that time;
- (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

RESPONSE: a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Gypsum's Chief Medical Officers:

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C.A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to 8-31-89 (retired).

W. Highstone, M.D. - 1939 to 1974 (deceased).

In addition, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 1.

e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

INTERROGATORY NO. 12: Has Defendant ever directed or contributed money toward a study of the effects of asbestos upon the health of animals or man? If so, state the following as to each such study:

- a) the description or title of the study;
- b) the dates during which it was made;
- c) brief description of the study;
- d) whether any of the results were reported into written form, and if so, who now has a copy of the report.

RESPONSE: U.S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds.

U.S. Gypsum Company contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

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Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 13: Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

- a) the description or title of the study;
- b) the dates during which it was made;
- c) the location or locations of the plants at which the employees were employed;
- d) the number of employees studied;
- e) brief description of the study;
- f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

RESPONSE: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 14: Have there been any instances where asbestos was a cause of mesothelioma in man?

RESPONSE: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a

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disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 15: How much asbestos is necessary to cause mesothelioma in man?

RESPONSE: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 16: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

RESPONSE: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to

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obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 17: Has Defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each such warning:

- (a) the language of the warning;
- (b) date first issued or distributed;
- (c) date last issued or distributed;
- (d) the method of communication or distribution used;
- (e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

RESPONSE: Specifically with respect to mesothelioma, not to this defendant's best current knowledge, information and belief. With respect to other warnings issued by this defendant on its asbestos-containing products, see attached Exhibit No. 3.

INTERROGATORY NO. 18: If your answer to the preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

RESPONSE: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 19: If your answer to the second preceding interrogatory was affirmative, list the name and

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address of each employee of Defendant who was responsible to investigate whether the warning provided the persons at risk of contracting mesothelioma with a sane appreciation of the severity of the disease and the probability of contracting the same.

RESPONSE: See this defendant's response to Interrogatory No. 17.

INTERROGATORY NO. 20: If your response to any interrogatory is an objection that it was burdensome, state the name, address and position of the person most knowledgeable about the effort that would be required to answer the interrogatory and the estimate of that person regarding the man-hours that would be required to answer the interrogatory.

RESPONSE: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, M. L. Higley, declare:

I am the Director, Financial Services, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

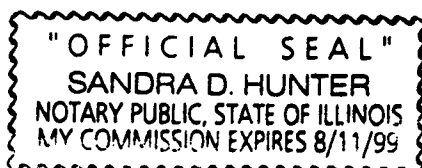
I have read the foregoing Answers, Objections, and other Responses to Plaintiffs' Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on April 22, 1996 in Chicago, Illinois.

M. L. Higley
M. L. Higley

Subscribed and sworn to before me
this 22 day of April, 1996.

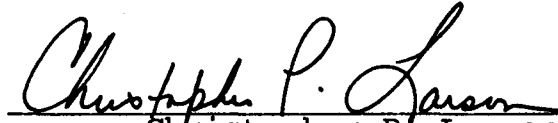
Sandra D Hunter
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 2nd day of May, 1996.

See attached service list


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& ALLEN

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Peoria, Illinois 61602
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(309) 676-0400

February 1, 1989

Schedul

Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.

J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.

W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.

O. Beck, M.D.

J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.

S. L. Gilbert, M.D.

F. C. Atkinson, M.D.

R. F. Duchouquette, M.D.

W. D. Stevenson, M.D.

D. H. Waddell, M.D.

R. R. Henry, M.D.

Z. L. Dameron, M.D.

W. D. Lee, M.D.

A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.

J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.

P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic
J. M. Watson, M.D.
M. Raymond, M.D.
J. C. Kelly, M.D.
F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.
J. Anable, M.D.
Dr. Cook

South Gate, California

H. Caesar, M.D.
Family Medical Clinic
(Various physicians. Names unavailable)
Firestone Medical Group
(Various physicians. Names unavailable)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.
I. J. Bruhn, M.D.
J. A. Carroll, M.D.
A. C. Sapida, M.D.
Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.
E. Staffier, M.D.
A. C. Leavitt, M.D.
Sullivan Square
American Mutual Insurance Clinic
Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.
F. B. Nelson, M.D.
C. F. Dent, M.D.
E. E. Goe, M.D.
S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.
F. W. Nicklas, M.D.
H. Hagan, M.D.
Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational
Health Center

Galena Park, Texas

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.

Norfolk, Virginia (continued)

D. C. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger
Dr. Natelson
Dr. Zuka
Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.
J. F. Roules, M.D.
Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.
R. M. LaSalle, Jr., M.D.
R. M. LaSalle, Sr., M.D.
R. M. LaSalle, M.D.
W. D. Boaz, M.D.
P. Ferguson, M.D.
F. Smyrniotis, M.D.
J. E. Haughn, M.D.
LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.
F. G. Mainolfi, M.D.
Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North
Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.
J. Dean, M.D.
Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.
R. Kirby, M.D.
T. Perry, M.D.
R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worcester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic
W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Cambell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.
R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.

Alabaster, Michigan (continued)

J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Convers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid 1960s prior to selling the plant to Conwed Corporation, and US Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically now it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

RESPONSE

U.S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

"Caution: Contains
Asbestos Fibers. Avoid
Creating Dust. Breathing
Asbestos Dust May Cause
Serious Bodily Harm"

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U.S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966.

"Contains Asbestos"

The following appeared on SprayDon in subsequent years.

"Caution: This product
contains asbestos."
(1968)

"Caution: This product
contains asbestos which
may be harmful to lungs
if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W.W. Henry Company and resold by U.S. Gypsum, the following appeared on the label for this product after 1972:

Contents
Asphalt Petroleum Spirits
Asbestos Fiber

U.S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient on packaging for its texture product, Imperial QT. Investigation continuing.

6 F 8379

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COOK COUNTY, ILLINOIS
No. 92 L 3472

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ATTORNEYS FOR METROPOLITAN LIFE INS.

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Suite 2100
Chicago, IL 60606



STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
COUNTY OF PEORIA

BEVERLY FOGLIANO, Individually)
and as Special Administrator of)
the Estate of Bernard Fogliano,)
deceased,)
Plaintiffs,)
vs.) LAW NO. 96 L 153
ABEX CORPORATION, et al.,)
Defendants.)

ANSWERS TO INTERROGATORIES

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY, by HEYL, ROYSTER, VOELKER & ALLEN, its attorneys, and for answer to the Interrogatories previously propounded to it by the plaintiff, BEVERLY FOGLIANO, Individually and as Special Administrator of the Estate of Bernard Fogliano, Deceased, states as follows:

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these Answers to Interrogatories. Accordingly, by way of further response to these Interrogatories, U.S. Gypsum hereby offers to make available these documents at a mutually

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convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its response to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum Company is named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the

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discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer who has taken the "reasonable steps to search the 'corporate memory' of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of other corporate agents" as required in *Campen v. Executive House Hotel, Inc.*, 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

ANSWER: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

P. Monzella, Director, Analytical Services, United States Gypsum Company, has reviewed these responses for the purposes of satisfying the verification requirements. These responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these responses. Nor is it possible to specifically identify by name each person who

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has participated in the preparation of these responses or to identify each document which may have provided information used in preparing these Responses.

INTERROGATORY NO. 2: Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and state the subject of each witness' testimony. ISC Form Int. 23.

ANSWER: Unknown at this time. Discovery continues. This defendant reserves the right to supplement this answer.

INTERROGATORY NO. 3: Pursuant to Illinois Supreme Court Rule 213(g), provide the name and address of each opinion witness who will offer any testimony and state:

- (a) The subject matter on which the opinion witness is expected to testify;
- (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of the witness, if any;
- (c) The qualifications of each opinion witness, including a curriculum vitae and/or resume, if any; and
- (d) The identity of any written reports of the opinion witness regarding the occurrence. ISC Form Int. 24.

ANSWER: See answer to Interrogatory No. 2.

INTERROGATORY NO. 4: Have you (or has anyone acting on your behalf) had any conversations with any person at any time

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with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the (injuries) (loss) complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded. ISC Form Int. 9.

ANSWER: None regarding this plaintiff.

INTERROGATORY NO. 5: Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral. ISC Form Int. 10.

ANSWER: None regarding this plaintiff.

INTERROGATORY NO. 6: If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning

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the occurrence, state the full name and address of each such firm or adjuster.

ANSWER: No.

INTERROGATORY NO. 7: If you have any information regarding Bernard Fogliano's physical condition other than that information furnished you by Plaintiff's counsel, state the nature of the information, the name and address of its source, and if documentary in nature, its present location.

ANSWER: No.

INTERROGATORY NO. 8: Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them.
ISC Form Int. 8.

ANSWER: This defendant's counsel may have several photographs of the Keystone plant which were produced at the Costa trial.

INTERROGATORY NO. 9: If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each such policy: the name of the company; the policy number; the effective period; the maximum liability limits; what amounts, if any, have

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previously been paid under the policy which in the opinion of the carrier reduces the coverage available; whether the carrier denied coverage or tendered a defense under a reservation of rights; whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage; and which, if any, of the carriers listed in your answer is providing a defense to this suit.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 10: State the name and address of each person who has employed the lawyer(s) representing you in this case. Illinois Supreme Court Rule of Professional Conduct 3.3(a)(8).

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and privileged. Without waiving this objection, this defendant is represented by Heyl, Royster, Voelker & Allen in this matter and consents to said representation.

INTERROGATORY NO. 11: State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

ANSWER: See this defendant's response to Interrogatory No. 13. With respect to whether or not these

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individuals completed a residency in public health or occupational medicine, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 12: State the following about each current employee of Defendant who is an industrial hygienist: name, business address and job title.

ANSWER: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. He was succeeded in that position by R. P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

This defendant employed H. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H. C. Brown as an industrial hygienist from 9/28/97 to 11/90.

INTERROGATORY NO. 13: Has defendant ever had one or more persons whose primary responsibility included looking after or monitoring the health of Defendant's employees, such as a medical director? If so, state the following as to each person who has held this position:

- (a) the name and address of the person;
- (b) the name of the position he or she held;
- (c) the dates during which he or she held the position;

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- (d) the address of his or her office during the time he or she held the position;
- (e) state whether there was a written job description for that position at that time;
- (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

ANSWER:

- (a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Gypsum's Chief Medical Officers:

C.A. Hedblom, M.D. (retired)
101 South Wacker Drive
Chicago, IL
1974 to 8/31/89

W. Highstone, M.D. (deceased)
1939 to 1974

In addition, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 1.

- (e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

INTERROGATORY NO. 14: Has Defendant ever directed or contributed money toward a study of the effects of asbestos

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upon the health of animals or man? If so, state the following as to each such study:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) brief description of the study;
- (d) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: U.S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds.

U.S. Gypsum Company contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 15: Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;
- (d) the number of employees studied;
- (e) brief description of the study;

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(f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 16: Have there been any instances where asbestos was a cause of mesothelioma in man?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 17: How much asbestos is necessary to cause mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a

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disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 18: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

ANSWER: Objection. This defendant objects to this Interrogatory on the basis that it constitutes an improper form of discovery in that plaintiff in effect is submitting a disguised request for admission. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer. This Interrogatory improperly seeks to obtain facts and opinions held by medical experts. Without waiving these objections, see attached Exhibit No. 2.

INTERROGATORY NO. 19: Has Defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each such warning:

- (a) the language of the warning;
- (b) date first issued or distributed;
- (c) date last issued or distributed;
- (d) the method of communication or distribution used;

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- (e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

ANSWER: Specifically with respect to mesothelioma, not to this defendant's best current knowledge, information and belief. With respect to other warnings issued by this defendant on its asbestos-containing products, see attached Exhibit No. 3.

INTERROGATORY NO. 20: If your answer to the preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

ANSWER: See this defendant's response to Interrogatory No. 19.

INTERROGATORY NO. 21: If your answer to the second preceding interrogatory was affirmative, list the name and address of each employee of Defendant who was responsible to investigate whether the warning provided the persons at risk of contracting mesothelioma with a sane appreciation of the severity of the disease and the probability of contracting the same.

ANSWER: See this defendant's response to Interrogatory No. 19.

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INTERROGATORY NO. 22: If your response to any interrogatory is an objection that it was burdensome, state the name, address and position of the person most knowledgeable about the effort that would be required to answer the interrogatory and the estimate of that person regarding the man-hours that would be required to answer the interrogatory.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 23: Has any employee, agent or representative of Defendant (or any of its corporate predecessors) ever been physically present at the premises of Keystone Steel & Wire in Bartonville, Illinois? If so, state the name, current address, and date(s) of visit for each such person.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 24: Has Defendant or any of its corporate predecessors ever sold asbestos or asbestos-containing products to Keystone Steel & Wire or shipped or delivered asbestos or asbestos-containing products to Keystone Steel & Wire, Bartonville, Illinois? If so, state the details of each such sale, shipment or delivery.

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ANSWER: This defendant never sold raw asbestos. In addition, U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U.S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606, pursuant to a properly filed request to produce.

INTERROGATORY NO. 25: List the names and addresses of all other persons (other than persons heretofore listed) who have knowledge of the facts of the occurrence and/or of the injuries and damages claimed to have resulted therefrom. ISC Form Int. 25.

ANSWER: Unknown at this time. Discovery continues.

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INTERROGATORY NO. 26: Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n). ISC Form Int. 26.

ANSWER: Objection -- overbroad, immaterial and vague. Further, this interrogatory is not designed to lead to the discovery of admissible and relevant evidence.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

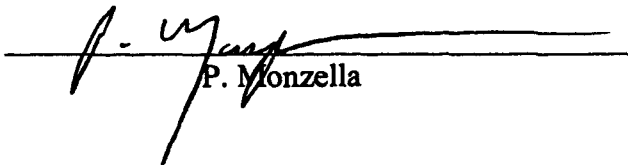
VERIFICATION

I, P. Monzella, declare:

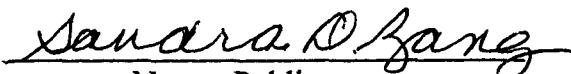
I am the Director, Analytical Services, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

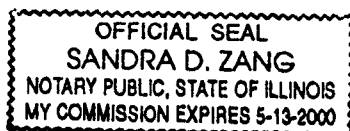
I have read the foregoing Answers, Objections, and other Responses to Plaintiffs' Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 10/15/96 in Chicago, Illinois.


P. Monzella

Subscribed and sworn to before me
this 15 day of October, 1996.

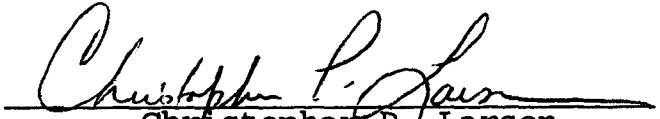

Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 5th day of ^{November}~~October~~, 1996.

See attached list.


Christopher P. Larson

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February 1, 1989

Schedule N

Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.

J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.

W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.

O. Beck, M.D.

J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.

S. L. Gilbert, M.D.

F. C. Atkinson, M.D.

R. F. Duchouquette, M.D.

W. D. Stevenson, M.D.

D. H. Waddell, M.D.

R. R. Henry, M.D.

Z. L. Dameron, M.D.

W. D. Lee, M.D.

A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.

J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.
P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic
J. M. Watson, M.D.
M. Raymond, M.D.
J. C. Kelly, M.D.
F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.
J. Anable, M.D.
Dr. Cook

South Gate, California

H. Caesar, M.D.
Family Medical Clinic
(Various physicians. Names unavailable.)
Firestone Medical Group
(Various physicians. Names unavailable.)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.
I. J. Bruhn, M.D.
J. A. Carroll, M.D.
A. C. Sapida, M.D.
Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.
E. Staffier, M.D.
A. C. Leavitt, M.D.
Sullivan Square
American Mutual Insurance Clinic
Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.
F. B. Nelson, M.D.
C. F. Dent, M.D.
E. E. Goe, M.D.
S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.
F. W. Nicklas, M.D.
H. Hagan, M.D.
Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational Health
Center

Galena Park, Illinois

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.
D. E. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger

Dr. Natelson

Dr. Zuka

Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.

J. F. Roules, M.D.

Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.

R. M. LaSalle, Jr., M.D.

R. M. LaSalle, Sr., M.D.

R. M. LaSalle, M.D.

W. D. Boaz, M.D.

P. Ferguson, M.D.

F. Smyrniotis, M.D.

J. E. Haughn, M.D.

LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.

F. G. Mainolfi, M.D.

Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North

Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.

J. Dean, M.D.

Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.

R. Kirby, M.D.

T. Perry, M.D.

Southard, Oklahoma continued

R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worchester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic
W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Campbell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.

Alabaster, Michigan continued

R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.
J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Conyers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960's prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically how it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

RESPONSE

U.S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

"Caution: Contains
Asbestos Fibers. Avoid
Creating Dust. Breathing
Asbestos Dust May Cause
Serious Bodily Harm"

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U.S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966.

"Contains Asbestos"

The following appeared on SprayDon in subsequent years.

"Caution: This product
contains asbestos."
(1968)

"Caution: This product
contains asbestos which
may be harmful to lungs
if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W.W. Henry Company and resold by U.S. Gypsum, the following appeared on the label for this product after 1972:

Contents
Asphalt Petroleum Spirits
Asbestos Fiber

U.S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient on packaging for its texture product, Imperial QT. Investigation continuing.



9 H 3572
DIA.04
CPL/amr

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
COUNTY OF PEORIA

BEVERLY FOGLIANO, Individually
and as Special Administrator of
the Estate of Bernard Fogliano,
deceased,

Plaintiffs,

vs.

ABEX CORPORATION, et al.,

Defendants.

LAW NO. 96 L 153

AMENDED ANSWERS TO INTERROGATORIES

NOW COMES the defendant, UNITED STATES GYPSUM COMPANY,
by HEYL, ROYSTER, VOELKER & ALLEN, its attorneys, and for
amended answer to the Interrogatories previously propounded to
defendant by the plaintiff, BEVERLY FOGLIANO, Individually
and as Special Administrator of the Estate of Bernard Fogliano,
Deceased, states as follows:

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum")
has, to the best of its abilities, gathered non-privileged
documents into a document repository for inspection by
plaintiffs' counsel in response to requests for production
served in asbestos litigation. These documents provide
information that supplements and expands upon that provided in
these Answers to Interrogatories. Accordingly, by way of
further response to these Interrogatories, U.S. Gypsum hereby
offers to make available these documents at a mutually

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& ALLEN

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124 S.W. Adams Street
Peoria, Illinois 61602
Fax (309) 676-3374
(309) 676-0400

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convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its response to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum predecessors-in-interest, subsidiaries, and successors-in-interest of the corporate defendant. In that U.S. Gypsum Company is named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the

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discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 11: State the following about each current employee of Defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

ANSWER: U.S. Gypsum's Chief Medical Officers: C.A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to 08/31/89 (retired); W. Highstone, M.D., 1939 to 1974 (deceased). In addition, U.S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 1.

The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees. Medical Director reported to the Vice President of Personnel. With respect to whether or not these individuals completed a residency in public health or occupational medicine, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 15: Have there been any studies of the effect of asbestos upon the health of any of Defendant's employees? If so, state:

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- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;
- (d) the number of employees studied;
- (e) brief description of the study;
- (f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 16: Have there been any instances where asbestos was a cause of mesothelioma in man?

ANSWER: See attached Exhibit No. 2.

INTERROGATORY NO. 17: How much asbestos is necessary to cause mesothelioma?

ANSWER: See attached Exhibit No. 2.

INTERROGATORY NO. 18: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

ANSWER: See attached Exhibit No. 2.

INTERROGATORY NO. 22: If your response to any interrogatory is an objection that it was burdensome, state the name, address and position of the person most knowledgeable about the effort that would be required to answer the

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interrogatory and the estimate of that person regarding the man-hours that would be required to answer the interrogatory.

ANSWER: Not applicable.

INTERROGATORY NO. 23: Has any employee, agent or representative of Defendant (or any of its corporate predecessors) ever been physically present at the premises of Keystone Steel & Wire in Bartonville, Illinois? If so, state the name, current address, and date(s) of visit for each such person.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 24: Has Defendant or any of its corporate predecessors ever sold asbestos or asbestos-containing products to Keystone Steel & Wire or shipped or delivered asbestos or asbestos-containing products to Keystone Steel & Wire, Bartonville, Illinois? If so, state the details of each such sale, shipment or delivery.

ANSWER: This defendant never sold raw asbestos. In addition, U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning

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in about 1966, U.S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606, pursuant to a properly filed request to produce.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, Illinois.

INTERROGATORY NO. 26: Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n). ISC Form Int. 26.

ANSWER: None.

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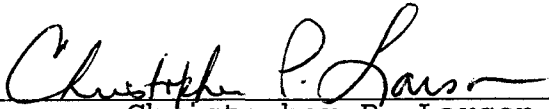
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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 16th day of July, 1997.

See attached list


Christopher P. Larson

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February 1, 1989

Schedule N



Plant Clinics
and
Medical Personnel
Retained/Consulted
1930-1976

Oakfield, New York

R. C. Warn, M.D.
J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.
W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.
O. Beck, M.D.
J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.
S. L. Gilbert, M.D.
F. C. Atkinson, M.D.
R. F. Duchouquette, M.D.
W. D. Stevenson, M.D.
D. H. Waddell, M.D.
R. R. Henry, M.D.
Z. L. Dameron, M.D.
W. D. Lee, M.D.
A. H. Teddle, M.D.

Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.
J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.
P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic
J. M. Watson, M.D.
M. Raymond, M.D.
J. C. Kelly, M.D.
F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.
J. Anable, M.D.
Dr. Cook

South Gate, California

H. Caesar, M.D.
Family Medical Clinic
(Various physicians. Names unavailable.)
Firestone Medical Group
(Various physicians. Names unavailable.)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.
I. J. Bruhn, M.D.
J. A. Carroll, M.D.
A. C. Sapida, M.D.
Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.
E. Staffier, M.D.
A. C. Leavitt, M.D.
Sullivan Square
American Mutual Insurance Clinic
Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.
F. B. Nelson, M.D.
C. F. Dent, M.D.
E. E. Goe, M.D.
S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.
F. W. Nicklas, M.D.
H. Hagan, M.D.
Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational Health
Center

Galena Park, Illinois

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.
D. E. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger

Dr. Natelson

Dr. Zuka

Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.

J. F. Roules, M.D.

Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.

R. M. LaSalle, Jr., M.D.

R. M. LaSalle, Sr., M.D.

R. M. LaSalle, M.D.

W. D. Boaz, M.D.

P. Ferguson, M.D.

F. Smyrniotis, M.D.

J. E. Haughn, M.D.

LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.

F. G. Mainolfi, M.D.

Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North

Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.

J. Dean, M.D.

Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.

R. Kirby, M.D.

T. Perry, M.D.

Southard, Oklahoma continued

R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worchester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic
W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Campbell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.

Alabaster, Michigan continued

R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.
J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California
Acquired 1983

Philadelphia, Pennsylvania
Plant sold

Conyers, Georgia
Acquired 12/10/80

Mansfield, Texas
Acquired 8/81

Spruce Pine
Acquired 5/12/79

LaMirada, California
Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960's prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically how it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

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BEVERLY FOGLIANO, Individually, and as Special Administrator of
the Estate of BERNARD FOGLIANO, Deceased.

IN THE CIRCUIT COURT OF TENTH JUDICIAL CIRCUIT
PEORIA COUNTY
Law No. 96 L 153

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BEVERLY FOGLIANO, Individually and as Special Administrator of
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ATTORNEYS FOR W.R. GRACE -- CONN.

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Kirk T. Hartley
Katten, Muchin & Zavis
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ATTORNEYS FOR COMBUSTION ENGINEERING, INC.

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Litterst Law Office
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ATTORNEYS FOR HARCROSS CHEMICALS, INC.

Eric L. Samore
Querrey & Harrow, Ltd.
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ATTORNEYS FOR THERMIC REFRACTORIES, INC.

Paul T. Slocomb
Brasher Law Firm
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ATTORNEYS FOR GENERAL REFRACTORIES COMPANY

Thomas J. Kernell
Roberts, Perryman, Bomkamp & Meives, P.C.
One Mercantile Center, Suite 2300
St. Louis, MO 63102

ATTORNEYS FOR INTERNATIONAL VERMICULITE COMPANY

ATTORNEYS FOR GLOBE REFRACTORIES, INC.

ATTORNEYS FOR SWANK REFRACTORIES COMPANY

ATTORNEYS FOR AMERICAN BRAKE SHOE

ATTORNEYS FOR GREAT LAKES CARBON CORPORATION (Vol. Dismissed)

ATTORNEYS FOR ILLINOIS CENTRAL RAILROAD COMPANY (Vol/Dismissed)

9 H 3572

BEVERLY FOGLIANO, Individually and as Special Administrator of
the Estate of BERNARD FOGLIANO, Deceased

ATTORNEYS FOR CHARTER PLC (Voluntarily Dismissed)

ATTORNEYS FOR OC MERGER CORP. (Voluntarily Dismissed)

ATTORNEYS FOR GREFCO, INC. (Voluntarily Dismissed)

ATTORNEYS FOR CAPE INDUSTRIES PLC (Voluntarily Dismissed)

ATTORNEYS FOR OWENS-ILLINOIS, INC. (Dismissed)



AUG 14 1997 JF

- (a) the description or title of the study;
- (b) the dates during which it was made;
- (c) the location or locations of the plants at which the employees were employed;
- (d) the number of employees studied;
- (e) brief description of the study;
- (f) whether any of the results were reported into written form, and if so, who now has a copy of the report.

ANSWER: No formal medical "studies" of the effect of asbestos upon the health of employees, as that term is understood by this defendant, have been conducted at this defendant's plants. However, to the extent that this interrogatory seeks data generated in industrial hygiene surveys of this defendant's plants, that included but were not limited to determining levels of asbestos and X-rays of certain employees, a number of such surveys have been conducted, including but not limited to surveys conducted by the Saranac Laboratory at the Jersey City, New Brighton and Oakfield plants in the 1930's and 1940's, and a series of surveys conducted by National Loss Control Services Corporation (NATLSCO) at defendant's plants in the 1970's. Copies of reports of such surveys and other non-privileged responsive documents will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 16: Have there been any instances where asbestos was a cause of mesothelioma in man?

ANSWER: This defendant lacks the scientific knowledge and medical expertise to form an expert medical opinion on this matter; however, this defendant is aware of such reports in medical and scientific literature. The association between various fiber types and mesothelioma or lung

cancer reported in the literature appears to differ, with crocidolite having the greatest association with mesothelioma and other fiber types a lesser association.

INTERROGATORY NO. 17: How much asbestos is necessary to cause mesothelioma?

ANSWER: This defendant lacks the scientific knowledge and medical expertise to form an expert medical opinion on this matter. This defendant relies on the position expressed by prominent experts that there is a minimum threshold level of exposure to asbestos below which there is no significant risk of developing disease. This defendant is not aware of a consensus in the medical and scientific communities regarding a precise, identifiable level of exposure necessary to cause disease. The association between various fiber types and mesothelioma or lung cancer reported in the literature appears to differ, with crocidolite having the greatest association with mesothelioma and other fiber types a lesser association.

INTERROGATORY NO. 18: What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract mesothelioma?

ANSWER: This defendant relies on the position expressed by prominent experts that there is a minimum threshold level of exposure to asbestos below which there is no significant risk of developing disease. This defendant is not aware of a consensus in the medical and scientific communities regarding a precise, identifiable level of exposure necessary to cause disease. The association between various fiber types and mesothelioma or lung cancer reported in the literature appears to differ, with crocidolite having the greatest association with mesothelioma and other fiber types a lesser association.

INTERROGATORY NO. 23: Has any employee, agent or representative of Defendant (or any of its corporate predecessors) ever been physically present at the premises of Keystone Steel & Wire in Bartonville, Illinois? If so, state the name, current address, and date(s) of visit for each such

person.

ANSWER: Unknown to this defendant. This defendant has reviewed its records and has located the documents attached, which indicate that it used a paper-backed Regular Keymesh Lath manufactured by Keystone Steel and Wire Company as part of a fire endurance and hose stream test conducted in 1969. This defendant is currently unable to determine how the Regular Keymesh Lath was obtained. Plaintiff is invited to review other non-privileged documents to determine if any responsive documents exist, at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

INTERROGATORY NO. 24: Has Defendant or any of its corporate predecessors ever sold asbestos or asbestos-containing products to Keystone Steel & Wire or shipped or delivered asbestos or asbestos-containing product to Keystone Steel & Wire, Bartonville, Illinois. If so, state the details of each such sale, shipment or delivery.

ANSWER: This defendant never sold, shipped or delivered raw asbestos to Keystone Steel & Wire in Bartonville, Illinois. This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. This defendant has searched its available sales records, beginning with 1965, and has found no record of sales of asbestos-containing products to Keystone Steel & Wire. Plaintiff is invited to review other non-privileged documents to determine if any responsive documents exist, at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, P. Monzella, declare:

I am the the Director, Analytical Services, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

I have read the foregoing Second Amended Responses of United States Gypsum Company to Plaintiff's First Set of Interrogatories and am informed and believe that the same are true and on that ground allege that the matters therein stated are true.

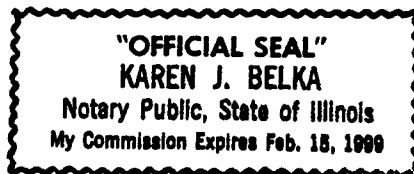
I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 8/1/97 in Chicago, Illinois.

P. Monzella
P. Monzella

Subscribed and sworn to before me
this 1st day of August, 1997.

Karen J. Belka
Notary Public

WP21317



☐ DIRECTOR OF RESEARCH *
☐ INFORMATION RETRIEVAL *
☒ CENTRAL FILE
☐ SECTION FILE

REPORT
UNITED STATES GYPSUM
RESEARCH CENTER

FILE NO. 2-2451 (TZ-646)
REPORT NO. 15859
DATE TYPED 11-3-69

Structural and
Fire Testing

Attachments: Sketch
No. 3

NO DISTRIBUTION BELOW

FILE: Four Hour Smoke Tower Wall - TRUSSTEEL Studs,
Portland Cement Plaster, and STRUCTOLITE Plaster

SUMMARY: On August 5, 1969 and September 12, 1969 duplicate partitions were subjected to fire endurance and hose stream tests at Underwriters' Laboratories, Inc., Northbrook, Illinois. The tests were conducted in accordance with UL 263 (ASTM E 119) in an endeavor to achieve a four hour fire rating on a TRUSSTEEL stud, metal lath, and plaster assembly.

The partition consisting of 4 in TRUSSTEEL studs 16 in c to c, regular runner track top and bottom, paper-backed Keymesh lath, 3/4 in portland cement-lime-sand plaster, 3-1/4 in STRUCTOLITE plaster (100:3) in the stud cavity. 3.4 lb diamond mesh lath attached to the studs with S-T clips. and 3/4 in gypsum sand plaster achieved an endurance time of 378 minutes and successfully passed the hose stream test. The partition will be Listed by UL as Wall Design 13-4 Hr and will also allow 3/4 in STRUCTOLITE plaster (100:2) to be used in place of the gypsum sand plaster.

The assembly will be promoted primarily on the West Coast to meet the ICBO requirements for exterior smoke tower constructions.

Copies of UL report R4142-24-25 of this investigation will be retained in Research File TZ-646 and Master Book No. 10 when received.

APPROVED BY F. F. Kastner *F. F. Kastner* J. H. Crumbaugh *J. H. Crumbaugh*
P. S. Quigg *P. S. Quigg*

*Summary only.

DISTRIBUTION

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CS029 1642

Introduction

Building codes for Los Angeles, San Francisco, and ICBO require construction of smokeproof towers in all buildings of five or more stories. In addition the walls of the towers must provide a fire rating of not less than four hours. Normally the smoke tower will be used as a stairway and fire escape extending from the ground to the uppermost story. The only wall system approved for this construction is a competitive system developed by the California Zonolite Company. The system incorporates Penn Metal studs up to 6 inches wide, with 4 inches of zonolite concrete in the stud cavity, 3/4 in cement stucco on the exterior surface and 1 in of zonolite plaster on the interior surface.

To compete effectively USG detailed, constructed, and fire tested a TRUSSTEEL stud, cement stucco, and USG STRUCTOLITE plaster partition.

Construction

During April 1969, two 10 by 10 ft partitions, 5-1/2 in thick were constructed at Underwriters' Laboratories, Inc., Chicago, Ill: is for the purpose of achieving a four hour fire rating. The construction proceeded as follows:

Runner Track

USG 4 in wide Regular Runner Track was attached to the top and bottom inside surfaces of the fire test frame. Attachment was made with Pow-R-Set drive pins spaced approximately 24 in c to c.

Studs

USG 4 in TRUSSTEEL studs were spaced 16 in c to c and set into the bottom runner track. The studs were attached to the top and bottom tracks with USG TRUSSTEEL Stud Shoes and two single 18 ga, wire ties at each end.

Casing Bead

USG No. 66 square, expanded, 3/4 in casing bead was positioned around the entire perimeter of the partition on both faces and attached to the studs with 18 ga tie wire. There was a 1/4 in clearance between the concrete frame and the casing bead.

Keymesh Lath

Paper-backed Regular Keymesh Lath, 3 ft wide, and supplied by Keystone Steel and Wire Company was positioned horizontally and attached to one face of the studs with 18 ga tie wire spaced approximately 6 in c to c.

Portland
Cement Plaster

Approximately 3/8 in of portland cement, lime, sand plaster was scratched into the keymesh lath. The proportion of the mix was 94 lbs of cement (1 bag), 50 lbs of lime (1 bag) and 5-1/2 cu ft of sand. The brown coat was applied over the scratch coat after the scratch coat had set. The mix was 1:1:6 and was applied so that the total thickness of the scratch and brown coats was 3/4 inches.

Stud Cavity
Plaster

USG STRUCTOLITE Plaster produced at the Empire, Nevada plant in accordance with UL Procedure R 3574, Section 2 was sprayed against the paper-backed keymesh lath into the stud cavity of the wall to a thickness of 3-1/4 inches. The STRUCTOLITE plaster (Type S) contained 30 cu ft of perlite to each 1000 lbs of gypsum stucco.

Diamond
Mesh Lath

USG 3.4 lb Diamond Mesh Lath supplied from Hermosa in sheets 27 by 96 in was applied horizontally to the TRUSSTEEL studs and attached with 3 S-T clips per sheet per stud. The sheets were lapped about 1 to 2 in horizontally and vertically. The horizontal laps were wire tied with 18 ga tie wire to the studs and midway between the studs. The vertical laps were wire tied with three ties across the width of the sheets and each end.

Gypsum Plaster

USG RED TOP Gypsum Plaster, fibered for use over metal lath, was produced at Empire. The plaster was mixed with sand and applied to the diamond mesh lath to a total thickness of 11/16 inches. The scratch coat was mixed

in the proportion of 100 lbs of plaster to 2 cu ft of sand and the brown coat in the proportion of 100 lbs of plaster to 3 cu ft of sand. The brown coat was applied to the scratch coat after the scratch coat had initially set.

Finish Plaster

USG RED TOP Gauging Plaster and USG IVORY Finish Lime were mixed in the proportion of 50 lbs of gauging to 100 lbs of lime and applied to the gypsum-sand basecoat to a thickness of 1/16 inch.

Test Procedure

The fire endurance and fire and hose stream tests were conducted on August 5, 1969 and September 12, 1969 respectively at Underwriters' Laboratories, Inc., Chicago, Illinois. The tests were conducted in accordance with UL 263 (ASTM E 119) for non-load bearing partitions. The portland cement face was exposed to the fire for the fire endurance test. The gypsum plaster base was exposed for the fire and hose stream test. The fire endurance assembly moisture content was 40% RH at the time of test as measured by Wonfore electronic sensing elements.

Under the UL 263 (ASTM E 119) standard the endurance test shall be regarded as successful if the following conditions are met:

- (a) The wall or partition shall resist the passage of flame or gases not enough to ignite cotton waste for a period equal to that for which classification is desired.
- (b) Transmission of heat through the wall or partition during the fire endurance test shall not raise the temperature on the unexposed surface more than 250°F (average) or 325°F (individual) above the initial temperature.
- (c) The wall or partition shall have withstood the fire and hose stream test. During the 1 hour fire portion the wall shall resist the passage of flame or gases not enough to ignite cotton waste. Immediately after the fire portion the partition was subjected to a hose stream delivered through a 2-1/2 in hose with a water pressure of 45 psi for 5 minutes.

Test Results

The fire endurance panel successfully met the requirements for a six hour partition when it failed at 378 minutes. At 378 minutes the temperature of a thermocouple on the unexposed face exceeded the allowable individual temperature. A duplicate panel successfully withstood the requirements for the fire and hose stream test.

Conclusions

Based on the results of the tests the partition described herein qualifies for a six hour fire rating. However, because of the absence of UL Listed six hour partition ratings and our desire or need for only a four hour rating the tested assembly will be Listed as Wall and Partition Design No. 13-4 Hr.

Underwriters' Laboratories, Inc. report R4142-24-25 describing this investigation will be retained in file TZ-646 and Master Book No. 10 when received.

Discussion

It was obvious that the partition was overdesigned for a four hour rating since the two partitions withstood the endurance and hose stream tests by a large margin. It is suggested that if a lower cost four hour smoketower partition is desired that a wall incorporating smaller TRUSSTEEL studs and less stud cavity STRUCTOLITE plaster be tested at UL. From this proposed test data and the data of the test reported herein, interpolations of ratings between the two tests would be available. UL has not been broached on this matter but their approval prior to conducting the second test would be necessary and desirable to establish Listed ratings up to four hours of constructions incorporating TRUSSTEEL studs, STRUCTOLITE plaster, and portland cement plaster.

Scale: 1/4"=1'-0"

10'-2"

On Gypsum Sand
Plaster Section 10012.
Plaster 10013 & Line
Gauging Finish

3/4" Casina
Beads

3/4" Casina Beads
4" Regular Run-in Tack

Portland Cement-Lime
Plaster Section 10015/16.
Brown 10016

Paper Backed Keymesh
Metal Lath Vene Tied
To Tusssteel Studs

Structure Plaster 10017
On Gypsum Sand Plaster
Section 10013, Brown 10019
& Line Gauging Finish

SECTION "B-B"
Scale: 1/4"=1'-0"

3/4" Diamond Mesh Metal Lath
Set Curved & Wire Tied
To Studs

4" Tusssteel Studs 16" c.c.
Attached To Pulver Tacks
With Tusssteel Stud Studs &
18" c.c. Wire Ties (Top & Bottom)

3/4" Casina
Beads

4" Regular Run-in Tack
3/4" Casina Bead

4" Reg. Run-in Tack

Structure Plaster On Gypsum Sand
Plaster & Line Gauging Finish

3/4" Casina
Beads

Concrete Form

Paper Backed
Keymesh Metal Lath

Structure
Plaster
- Line Plaster
Structure
Plaster 10013

SECTION "A-A"
Scale: 1/4"=1'-0"

PL. E. K. M. J. R. C.	UNITED STATES GYPSUM CO. RESEARCH CENTER DES PLAINES, ILL. FIRE TEST FACILITY - SMOKE TOWER - 4 HOUR RGR.	SHEET NO.
DR. L. C. L. V. T. T.		3
CR.		FIG. T2-646
APPROVED		SCALE AS SHOWN
DATE 10/14/50		PRINT ISSUED
REVISIONS		

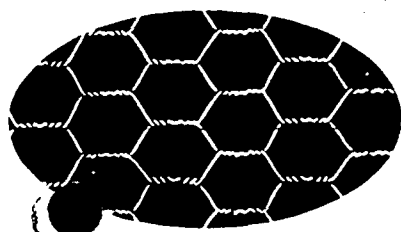
KEYSTONE STEEL & WIRE COMPANY, PEORIA, ILL.



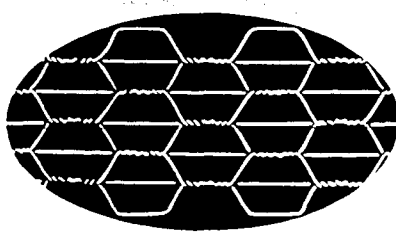
*KEYMESH

Galvanized Reinforcing

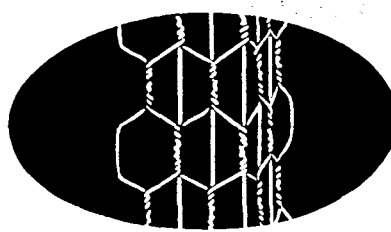
*TRADE MARK REG U S PAT OFF



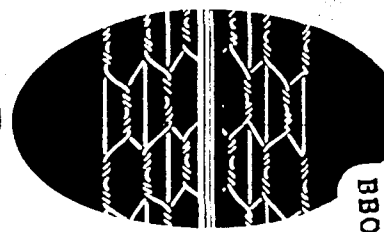
KEYMESH



KEYSTRIP

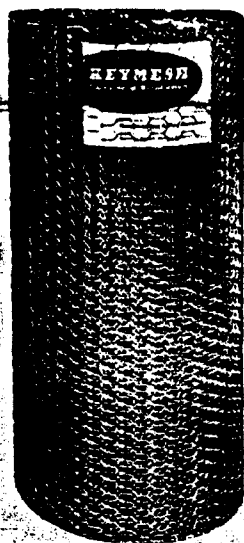
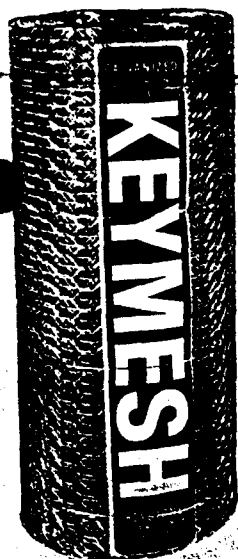


KEYCORNER



KEYZBEAD

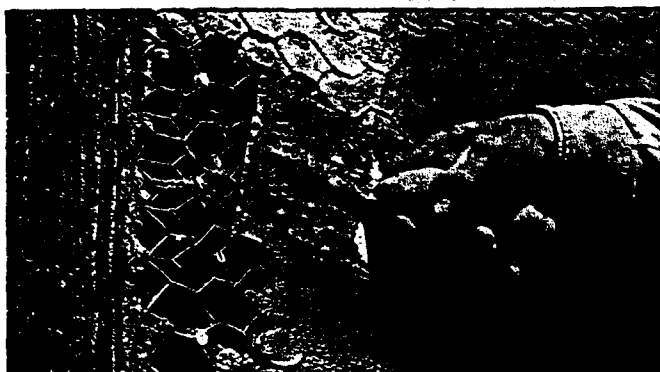
"KEY..." reinforcement for plaster and stucco



*KEYMESH

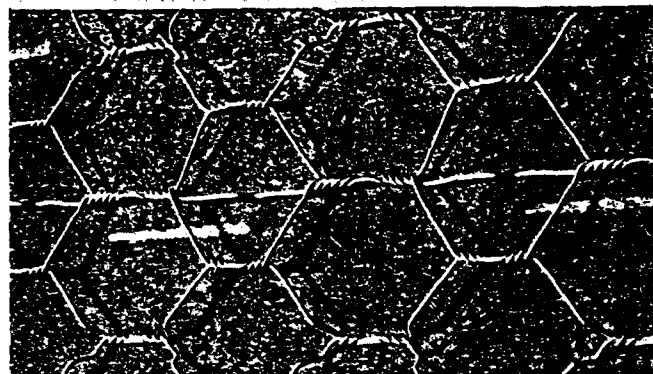
Galvanized Reinforcing

*TRADE MARK FOR THE PAT. OFF.



Regular Keymesh—all time favorite over any material

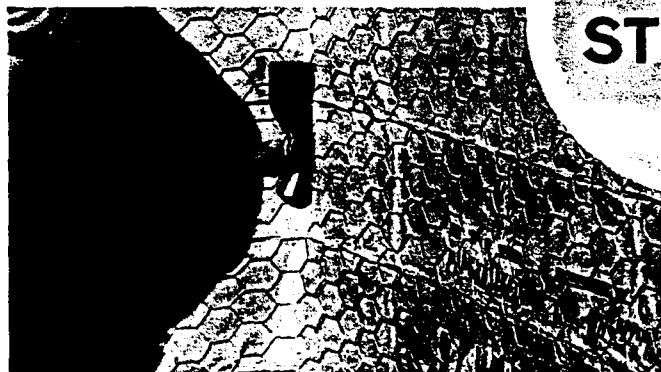
Regular Keymesh applied with furring nails can be installed with equal efficiency over all types of sheathing or building paper on open studs when used with bellyband construction. Each furring nail has a fiber wad that holds the reinforcement away from the base, assuring ample embedment of keymesh in the stucco.



No furring nails needed when you use self-furring Keymesh

Self-furring Keymesh comes to you crimped every 3" to eliminate the need for furring nails. The built-in crimp maintains the proper spacing of reinforcing wire from the sheathing. The open mesh permits you to rapidly trowel on a full, even coat.

**FOR
STUCCO**



Paperbacked Keymesh Lath forms your stucco base in a single step

Paperbacked Keymesh Lath makes building paper—bellyband construction into one simple step. It mounts directly over vertical studding. Longitudinal wires stiffen the Keymesh to provide a firm base for either mechanical or hand application. Waterproof paper backing achieves necessary protection from weather. The open mesh assures a strong bond.



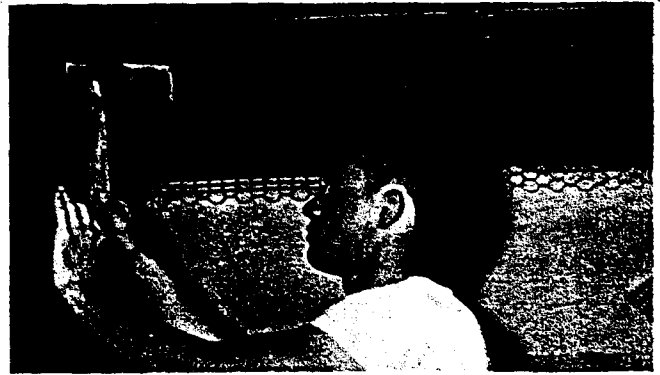
Self-furred Paperbacked Keymesh Lath Saves Lath and Plaster Labor

New self-furred, paperbacked Keymesh makes it possible to apply back-up wire, paper and furred reinforcement in one operation. The closely spaced furring assures proper embedment of lath and uniform thickness of scratch coat. Ideal for nailing, stapling, or tying directly to steel studs. Scratch coat may be troweled or sprayed.

COMPLETE SPECIFICATIONS ON BACK PAGE

ADDS TENSILE STRENGTH*KEYMESH adds strength to plaster and stucco, reduces cracks.***REDUCES FIRE RISK***KEYMESH extends time plaster will stand up under fire.***SAVES LABOR***KEYMESH goes up easily, lays smooth and straight.**Keymesh on walls and ceilings distributes the stress to stop the cracks*

Plaster cracks are reduced, often completely eliminated, with Keymesh on the scene. It distributes structural stress over the entire plaster area . . . adds strength of reinforcing steel to the exceptional bond of plaster gypsum. The open mesh not only permits rapid troweling, it also insures a full, uniform thickness of plaster.

*Inside corners plaster smooth and strong with Keycorner*

Keycorner reinforcement inside plaster corners provides effective crack resistance. Its self-furring design and multi-directional wires allow full plaster embedment. Keycorner is made in 4-ft. lengths to minimize cutting, simplify placing—and it can be nailed or stapled. Galvanized to prevent rust bleeding through. Also furnished in rolls.

**FOR
PLASTER
&
TILE**

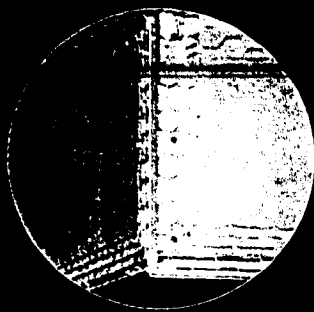
*Keystrip adds extra strength to points of stress*

Wherever flat strip reinforcement is needed, this galvanized lath supplies added stability in easy-to-apply form. Convenient 4-ft. lengths of Keystrip can be quickly nailed or stapled over lath joints, across window and door corners. Its open mesh design encourages fullest plaster embedment . . . assures maximum strength without sacrificing good appearance.

*Tile bases take less manpower and materials with Paperbacked Keymesh Lath*

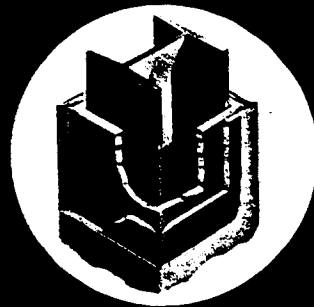
No finagling and fussing when your ceramic tile bases are made of Paperbacked Keymesh. This galvanized wire mesh can be applied directly to studding—ready for the portland cement base. Easy handling sheets assure high tensile strength . . . let you finish each job with less manhours and materials. And, the laminated paper backing meets Federal Specifications UU-P-147b, Type I, Class B.

COMPLETE SPECIFICATIONS ON BACK PAGE



KeyZ bead safeguards corners

Provides stronger, more solid corners, completely filled up with plaster. There will be no rust stains because of the heavy solid zinc nose.



Keymesh with KeyZ bead gives steel columns 4-hour fire resistance

Keymesh plus KeyZ bead, used with lightweight aggregate plaster over steel columns, has been tested in nationally recognized laboratories. It has received a four-hour fire rating. Covered with 1 1/2" of vermiculite plaster, these easy handling reinforcements resist fire effectively.

KEYMESH REINFORCED PLASTER OFFERS 3 TO 4 TIMES GREATER FIRE PROTECTION

Tests made in nationally recognized laboratories reveal that plaster ceiling reinforced with Keymesh gave three to four times greater fire protection than any other type construction tested. Check these results:

fire resistance of different types of wood frame construction

WOOD JOIST CEILINGS	ULTIMATE FIRE RESISTANCE
Exposed wood joists—no finished ceiling	15 min.
1/2" gypsum wallboard painted with casein	25 min.
3/8" perforated gypsum lath with 1/2" lightweight aggregate plaster	1 hour
3/8" gypsum lath with 1/2" lightweight aggregate plaster reinforced with Keymesh reinforcing lath	1 hour 38 1/2 min.

SPECIFICATIONS

REGULAR KEYMESH (for stucco & plaster)

150' x 3' Rolls	Ship. Wt.
1 1/2"—17 ga.	71 lbs.
1"—18 ga.	88 lbs.
1 1/2"—18 ga.	55.5 lbs.
1"—20 ga.	43.1 lbs.
2"—20 ga.	23 lbs.

PAPERBACKED KEYMESH LATH

for stucco
 1 1/2"—17 ga. in 100' x 3' rolls . . . 70.8 #
 1 1/2"—17 ga. in 100' x 3' rolls, self-furred . . . 72.6 #

for tile
 in sheets, 30" wide x 50 1/2" long. 30 sheets or 35 yards per box. 200# per 100 sq. yds. with additional 18 ga. longitudinal wires spaced 3" apart.

SELF-FURRING KEYMESH crimped on 3" spacing

1 1/2"—17 ga.	71 lbs.
1 1/2"—18 ga. Style x 1336 (11 extra line wires 3" apart)	71.5 lbs.

KEYCORNER

Style	Package	Wire Gauge	Shp. Wt. per 1000 lin. ft.
2" x 2" x 4 ft.	Ctn. 250 pcs	19	54.2 lbs.
704 x 1 x 19	200' rolls	19	65 lbs.

KEYSTRIP

Style	Package	Wire Gauge	Shp. Wt.
3" x 4'	Ctn.—250 pcs	19	52.5 lbs.

KEY Z BEAD Flange Width 2 1/2"

Length	Feet Per Carton	Weight per Carton
7'	560	95.8
8'	560	96.1
9'	540	93.6
10'	500	86.8

EXTERIOR KEYCORNER Flange Width 2 1/2"

Available in 8 ft., 9 ft., 10 ft. & 12 ft. lengths.

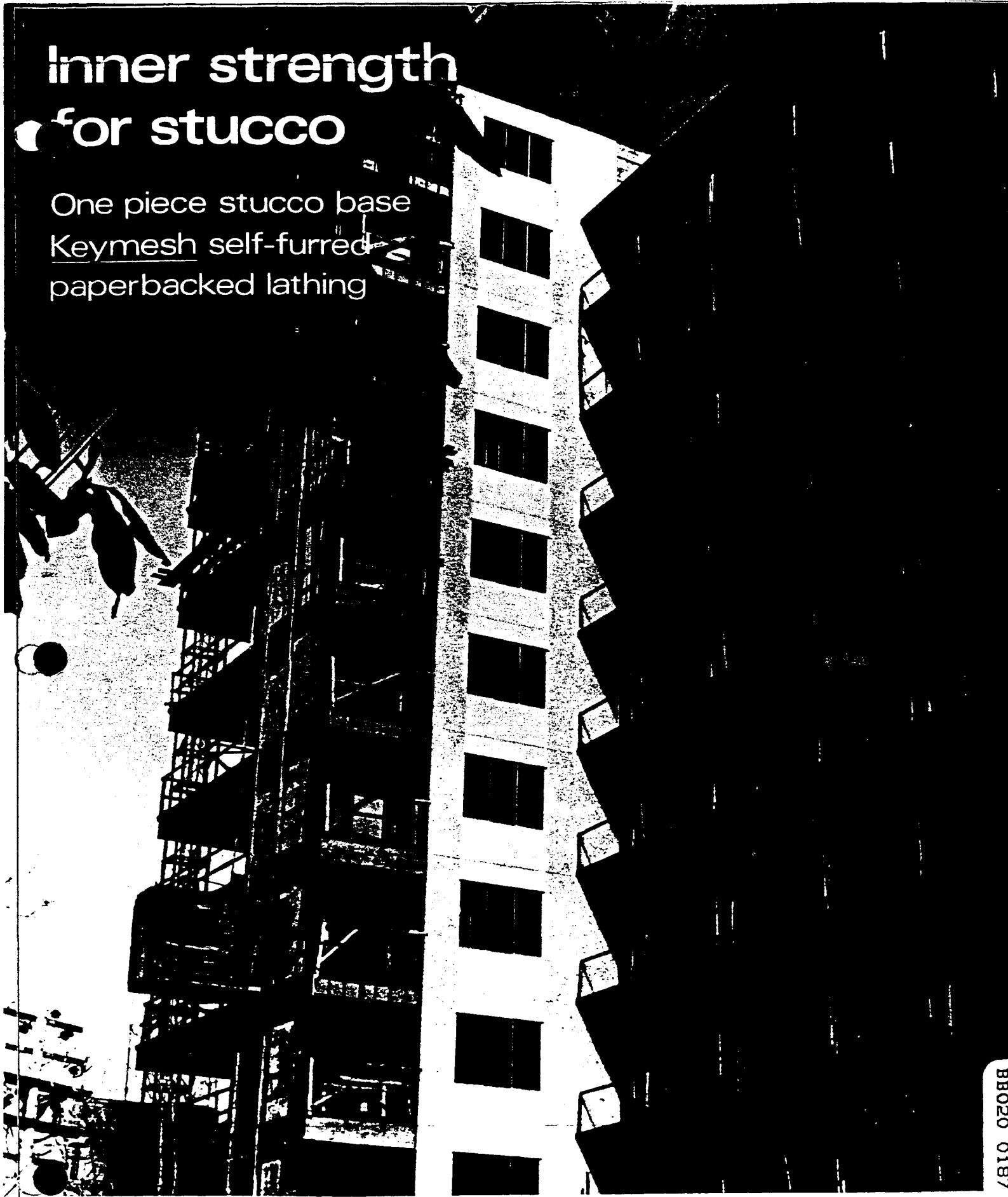
Package

Carton — 40 pieces.
 Wt. excluding carton
 100 lbs. per 1000 ft.

KEYSTONE STEEL & WIRE COMPANY

inner strength for stucco

One piece stucco base
Keymesh self-furred
paperbacked lathing



KEYSTONE



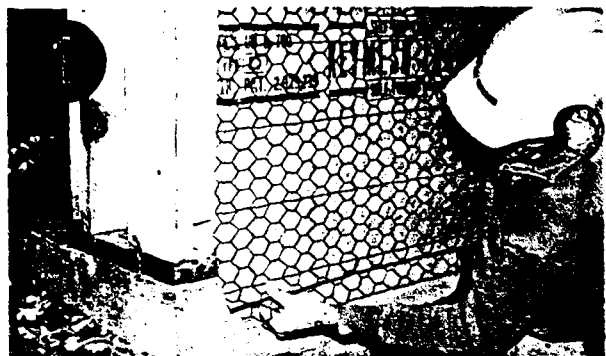
STEEL & WIRE PEORIA, ILLINOIS 61607
DIVISION OF KEYSTONE CORPORATION, CHICAGO, ILL.

BB020 0187

Self-furring paperbacked Keymesh,
type SFB in sheets or rolls, for application
on wood or steel on horizontal or
vertical surfaces as a reinforcing and
backing for cement plaster, ceramic
tile or masonry.

Follow these 10 easy steps:

Start with the selvage edge
on the foundation with
the paper extending a
minimum of two inches
below the mud sill.



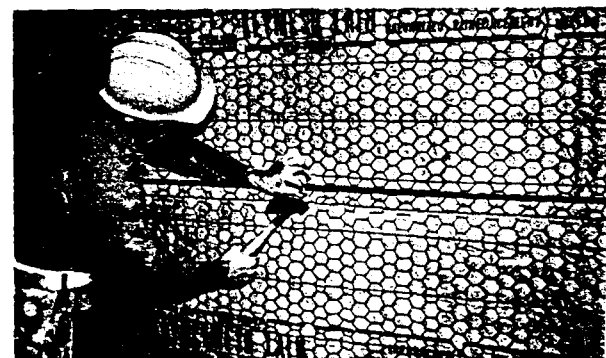
When there is no
foundation, or a drip screen
is used, cut off the one
mesh selvage edge of wire
extending below the paper,
or run a four inch or wider
strip of waterproof
building paper for the
selvage edge to lap.



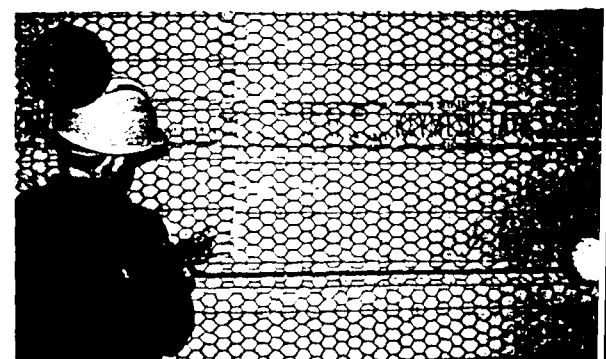
Apply in accordance with
Chapter 47 of the Uniform
Building Code. Hang below
the paper flap so that the
flap can be extended.



Lap only one mesh.



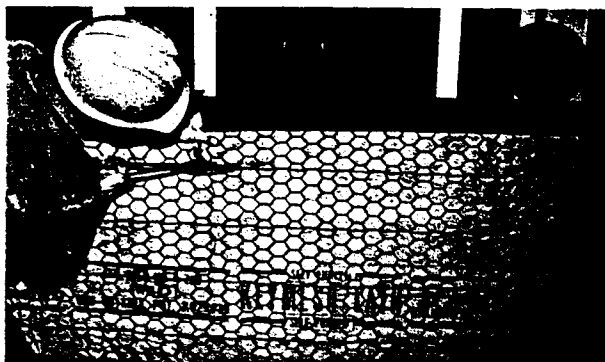
Wire should lap wire.
Stagger vertical laps.



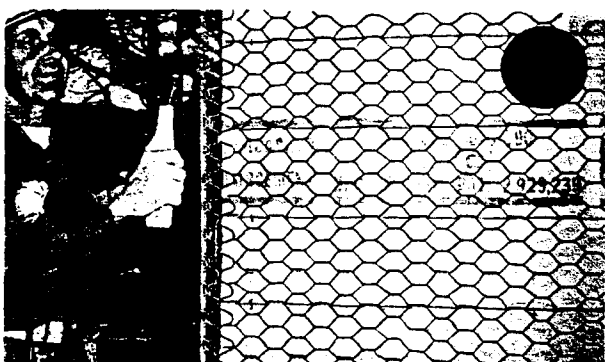
BBO20 0188



Attach with galvanized divergent point staples, galvanized nails, galvanized tie wire, clips or screws directly to supports. Attachment should be at furring crimps marked in red. When using tie wire, care should be taken to keep the size of holes made in the paper backing to a minimum.



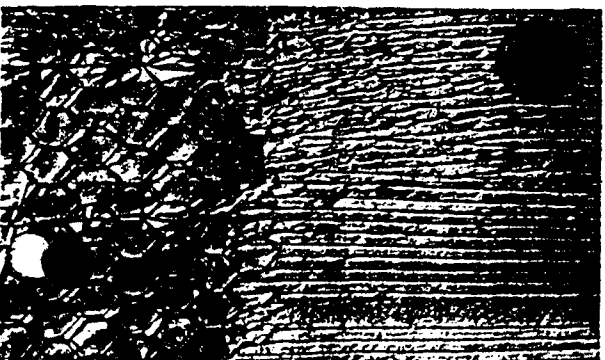
Cut material at openings, keeping the wire and paper snug against the opening.



Wrap tight around corners and apply Exterior Keycorner. Use Exterior Keycorner for arches.



At windows and openings where flashing is required, (a) insert a piece of waterproof building paper under the flashing paper at the bottom of the opening and extend to lap over the paper flap on the Self-Furred Paperbacked Keymesh Lath, or (b) run material under flashing paper at bottom of opening and apply additional self-furred mesh without paperbacking over the flashing paper, or (c) insert the flashing paper between the woven wire mesh and the face paper.



The scratch coat of Portland Cement Plaster should be applied so as to completely imbed the mesh, and should be of proper consistency and strength.

Self-Furred Paperback Keymesh Lath can be used for soffits and over steel studs.

Five Keymesh stucco nettings with paperbacking ...ROLLS OR SHEETS

TYPE SFB WATERPROOFED "BREATHER" BACKING SELF-FURRED PAPERBACK KEYMESH LATH — $1\frac{1}{2}$ " mesh, 17 gauge Keymesh with 18 gauge galvanized longitudinal wires woven into netting on 6" centers attached to 18 gauge galvanized wires laminated between high wet strength suction paper and Class D Paper, with continuous $\frac{1}{4}$ " deep furring crimps horizontally, spaced 6" vertically, following each 18 gauge longitudinal wire woven into the netting, wires in the continuous horizontal crimps painted red to mark proper attachment point. Weight 2.2 lbs. per square yard. End use — for backing and reinforcement for Portland Cement Plaster applied direct to structural supports.

TYPE SFB WATERPROOFED "VAPOR BARRIER" BACKING WATERPROOF PAPERBACK KEYMESH LATH — With Class B paper laminated to high wet strength suction paper. End use — backing and reinforcement for masonry veneer, ceramic tile, terrazzo, gunite applications, and other uses where high degree of waterproofing is desirable, or for backing and reinforcement for Portland Cement Plaster applied direct to structural supports when specified.

TYPE SFB WATERPROOFED "VAPOR BARRIER" BACKING PYRO-KURE PAPERBACK KEYMESH LATH — With Pyro-Kure paper as manufactured by American Sisalkraft Company. End use — for non-combustible construction.

TYPE F-FB WATERPROOFED "VAPOR BARRIER" BACKING KEYMESH LATH — $1\frac{1}{2}$ " mesh 18 gauge Keymesh with 18 gauge galvanized longitudinal wires woven into the netting on 3" centers (weight of reinforcement only, 1.42 lbs. per square yard) attached to 18 gauge galvanized wires laminated between high wet strength suction paper, and class B paper. End use — backing and reinforcement for masonry veneer, ceramic tile, terrazzo, gunite applications, and other uses where high degree of waterproofing is desired.

TYPE SFB HIGH ABSORBENT PAPERBACKED KEYMESH LATH — With vat-line chip suction paperbacking for interior and protected locations.

BB020 0189

Keymesh

Paperback lathing is recommended:
ICBO Report No. 1318.

And Approved: By City and County of San Francisco, City and County of Los Angeles, and the City of Long Beach.

And Meets: Minimum Property Standards of FHA, VA, and Department of General Services, State of California, Office of Architecture and Construction and School House Section, Federal Specifications QQ-L-101 and UU-B-790.

Also ask for...

KEYMESH Stucco Nettings – 5 types to choose from to give multidirectional reinforcement.

KEY-Z-BEAD exterior corner reinforcement.

KEYCORNER for gypsum plaster interior corners.

KEYSTRIP of reinforcement at points of weakness or stress of gypsum plaster.

EXTERIOR KEYCORNER for straight and true corners of soffits, arises and overhangs.

EXTERIOR KEYCORNER for arches to give strong reinforcement.

KEYSTONE



STEEL & WIRE PEORIA, ILLINOIS 61607
DIVISION OF KEYSTONE CONSOLIDATED INDUSTRIES, INC.

SALES OFFICES

CALIFORNIA:

Los Angeles, 90023 — 4293 Bandini Blvd. — Tel: (213) 268-0149

Santa Clara, 95052 — 651 Walsh Ave. — Tel: (408) 296-6545

OREGON:

Portland, 97209 — 1800 N. W. 16th Ave. — Tel: (503) 222-9275

WASHINGTON:

Seattle, 98134 — 12 So. Idaho St. — Tel: (206) Main 3-1544

BB020 0190

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
COUNTY OF PEORIA

BEVERLY FOGLIANO, Individually
and as Special Administrator of
the Estate of Bernard Fogliano,
deceased,

Plaintiffs,

vs.

ABEX CORPORATION, et al.,

Defendants.

LAW NO. 96 L 153

PROOF OF SERVICE

The undersigned certifies that a copy of United States Gypsum Company's Second Amended Responses to Plaintiff's First Set of Interrogatories was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 13th day of August, 1997.

UNITED STATES GYPSUM COMPANY

BY:


HEYL, ROYSTER, VOELKER & ALLEN
Christopher P. Larson
#6187711

HEYL ROYSTER
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& ALLEN

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Fax (309) 676-3374
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AUG 14 1997

9 H 3572

BEVERLY FOGLIANO, Individually, and as Special Administrator of
the Estate of BERNARD FOGLIANO, Deceased.

IN THE CIRCUIT COURT OF TENTH JUDICIAL CIRCUIT
PEORIA COUNTY
Law No. 96 L 153

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ATTORNEYS FOR GLOBE REFRACTORIES, INC.

ATTORNEYS FOR SWANK REFRACTORIES COMPANY

ATTORNEYS FOR AMERICAN BRAKE SHOE

ATTORNEYS FOR GREAT LAKES CARBON CORPORATION (Vol. Dismissed)

ATTORNEYS FOR ILLINOIS CENTRAL RAILROAD COMPANY (Vol/Dismissed)

9 H 3572

BEVERLY FOGLIANO, Individually and as Special Administrator of
the Estate of BERNARD FOGLIANO, Deceased

ATTORNEYS FOR CHARTER PLC (Voluntarily Dismissed)

ATTORNEYS FOR OC MERGER CORP. (Voluntarily Dismissed)

ATTORNEYS FOR GREFCO, INC. (Voluntarily Dismissed)

ATTORNEYS FOR CAPE INDUSTRIES PLC (Voluntarily Dismissed)

ATTORNEYS FOR OWENS-ILLINOIS, INC. (Dismissed)



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINO
McLEAN COUNTY

JAMES W. BREWER, SR., and
JUDY BREWER,

Plaintiffs,

vs.

OWENS CORNING, et al.,

Defendants.

IN RE: ASBESTOS LITIGATION

LAW NO. 98 L 56

RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR DISCOVERY
FROM DEFENDANT, UNITED STATES GYPSUM COMPANY

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S.Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Requests for Production. Accordingly, by way of further response to these Requests for Production, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Requests for Production as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

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VOELKER
& ALLEN

OCT 19 1998 *js*

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum "all agents, employees, officials, officers, executives directors, consultants and any others who directly or indirectly represent in any manner the defendants" and "the defendants and any predecessors." In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, U.S. Gypsum Company, responds to these Requests for Production on behalf of itself.

U.S. Gypsum further objects to these Requests for Production to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally U.S. Gypsum objects to these Requests for Production to the extent they ask for "identification" of voluminous documents on the grounds that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

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& ALLEN

RESPONSES TO REQUEST FOR PRODUCTION

1. The results of all tests performed by, at the direction of, or known to defendant regarding the maximum distance that an asbestos particle can travel through the air.

RESPONSE: Objection. This request is vague, ambiguous, overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this Request improperly assumes facts which are not in evidence and which are the issues in controversy in this lawsuit.

2. The results of all tests performed by, at the direction of, or known to defendant regarding the maximum time that an asbestos particle can remain airborne.

RESPONSE: Objection. this Request is vague, ambiguous, overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this Request improperly assumes facts which are not in evidence and which are the issues in controversy in this lawsuit.

3. The results of all tests performed by, at the direction of, or known to defendant regarding the minimum quantity of asbestos necessary to induce mesothelioma.

RESPONSE: Objection. This Request calls for a medical conclusion which no employee of this defendant is qualified to make. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made

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& ALLEN

available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

4. Each different telex or other document by which McKinney of John-Manville invited representatives of various companies, including Armstrong World Industries, to a meeting on May 22, 1979, and all documents concerning, and minutes of, that meeting.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

5. All documents regarding any other meeting of representatives of three or more of the companies named in the memorandum regarding the CEO Meeting of May 22, 1979.

RESPONSE: Objection. This defendant objects to this request to the extent that it seeks information regarding constitutionally protected activities, freedom of speech and freedom of association, discovery into which would create a chilling effect.

6. Its original records (or if the originals are not available then the best available copies) of sales or shipment of products to: Teepak, Sprinkmann Insulation.

RESPONSE: This defendant does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, this defendant responds as

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& ALLEN

follows: Prior to 1966, this defendant sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, this defendant sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of the lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

7. All doctors' reports, doctors' records, hospital records, bills for treatment, or other medical data having to do with the mental or physical condition of decedent.

RESPONSE: None at this time. Investigation continues

8. All photographs, slides, motion pictures, models, maps, sketches, diagrams or drawings depicting the decedent or any location at which he worked.

RESPONSE: None other than those provided by plaintiff at his deposition.

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& ALLEN

9. All reports, notes, letters, memoranda, or other documents showing or purporting to show what decedent was told about the relationship between asbestos and health.

RESPONSE: None at this time.

10. All reports, notes, letters memoranda, or other documents showing or purporting to show what defendant knew about the relationship between asbestos and health.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

11. All documents reflecting or evidencing a summary of periodic chest X-rays or other medical examinations of workers employed by defendant at any location wherein asbestos was used at any time. Stated another way, plaintiff is requesting the summaries or reports of the plant health surveys or employee health surveys, which reports or summaries were prepared or used to evaluate the health hazards, if any, of asbestos.

RESPONSE: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Request is overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence.

12. Each policy of insurance, including all excess and umbrella policies, which may be construed to provide coverage for the claim stated in the Complaint.

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& ALLEN

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

13. All documents reflecting payments or agreements for payments made under any of the policies described in the preceding paragraph which the carrier claims or could claim as a full or partial exhaustion of the policy limits or otherwise affect the amount of coverage available in this case.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

14. Each list of index of the transcripts in your possession of testimony, whether given at deposition or trial, in asbestos litigation.

RESPONSE: Objection. This Request is overbroad and unduly burdensome.

15. Each transcript of testimony given in a case pending in a state or federal court in Illinois (whether at deposition or trial) by an individual who at some point in his/her life worked as an insulator.

RESPONSE: Objection. Plaintiff is attempting to use this discovery procedure as a substitute for his own efforts to uncover information. This defendant has no such information other than what it may have developed to defend this litigation

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VOELKER
& ALLEN

and which is subject to attorney work product and attorney client privilege.

16. Each transcript of testimony, whether given at deposition or trial, of an individual who testified that he or she was, or whom you know to have been, engaged in the sale, distribution, transportation, installation or removal of insulation or asbestos containing material in Illinois.

RESPONSE: Objection. Plaintiff is attempting to use the discovery procedure as a substitute for his own efforts to uncover information. This defendant has no such information other than what it may have developed to defend this litigation and which is subject to attorney work product and attorney client privilege.

17. All documents evidencing, reflecting, or referring to the wording of any warning, instruction, or other writing concerning health risks associated with asbestos distributed to those at risk of asbestos disease from products manufactured or sold by defendant.

RESPONSE: Objection. This request is argumentative and improperly assumes facts which are not in evidence and which are the issues in controversy in this lawsuit. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

18. All documents evidencing, reflecting, or referring to the content of any brochure, pamphlet, advertisement, or other

BYL ROYSTER
VOELKER
& ALLEN

document which describes any asbestos containing product manufactured or sold by defendant.

RESPONSE: This defendant maintains no central repository for the accumulation of the requested information in the ordinary course of business. Documents that have already been identified and gathered to respond to discovery requests in other litigation and that relate to products which plaintiff can establish are relevant to this litigation, will be made available for inspection at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

19. All documents evidencing, reflecting, or referring to the warnings, cautionary instruction, pamphlets, brochures, and safety programs initiated by defendant for the purpose of protecting defendant's employees from any hazard presented by the presence of asbestos in any manufacturing facility of defendant.

RESPONSE: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Request is overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence.

20. All documents evidencing, reflecting, or referring to any investigation by defendant or any employee, agent, or retained expert of defendant on the subject of any hazard presented by the presence of asbestos in any product manufactured or sold by defendant.

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& ALLEN

RESPONSE: Objection, This Request is vague, ambiguous, overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, the following is a brief description of non-privileged testing regarding asbestos or asbestos-containing materials which has been conducted by, on behalf of, or with assistance from this defendant. The documents involved speak for themselves regarding the specific tests. Non-privileged documents relating to the studies and reports referenced below will be made available for plaintiff's inspection. In addition, there are unauthenticated documents relating to Dr. Gardner's Saranac study which this defendant believes are in the possession of or available to plaintiff's counsel.

In an attempt to be responsive to interrogatories, the testing has been categorized and divided as follows:

A. Fiber Release

This defendant is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds in the early 1870's.

This defendant retained an expert, Dr. Morton Corn, to perform two studies, both in Illinois; the first, a study of the ceiling at this defendant's corporate headquarters in Chicago in 1982; the second, at the William A. Duguid Company in Des Plaines in 1984. Additionally, in 1983 there was testing performed by the Ontario Research Foundation with

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& ALLEN

respect to the non-friability of this defendant's acoustical plaster, Audicote.

Tests were conducted for this defendant in 1965 by Boyle Engineering Laboratory on Firecode plaster for the purpose of determining surface erosion or dusting during high air velocity.

In 1984 the Ontario Research Foundation began a study that was intended to monitor the air during encapsulation to measure asbestos fiber levels. The study, however, was not completed. Also, in 1985, Dr. Morton Corn conducted a study at the William A. Duguid Company, the purpose of which was to determine whether asbestos fibers were released during the process of encapsulation. In 1985 this defendant conducted air sampling tests, before, during and after encapsulation of acoustical plaster, not manufactured by this defendant, in the Yorkville, Illinois schools. Certain samples were taken from these schools, and certain testing was performed in 1987 on them by the Illinois Institute of Technology Research Institute (IITRI). IITRI's testing program was not completed.

B. Plant Dust Surveys

In the 1930's, Dr. LeRoy U. Gardner of the Saranac Laboratories conducted investigations of this defendant's New Brighton and Oakfield, New York facilities. In addition, in 1936 this defendant retained Dr. Gardner to conduct an investigation of its Jersey City manufacturing plant, within months after its purchase. Beginning in the 1950's, surveys were conducted at various U.S. Gypsum plants. These involved studies of nuisance dusts, one of which was asbestos.

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& ALLEN

C. Research Reports

This defendant has undertaken research projects concerning various performance parameters of its products.

D. Doctor Gardner's Saranac Study

This defendant contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

E. survey of Airborne Fibers

Clayton Environmental Consultants, Inc. was retained by this defendant in 1985 to conduct air sampling for asbestos at this defendant's building at 101 South Wacker Drive, Chicago, Illinois.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

21. All documents evidencing, reflecting, or referring to the knowledge of defendant, its employees, officers, directors, and managing agents of any hazard presented by the presence of asbestos in either the manufacturing facilities of defendant or in products manufactured or sold by defendant.

RESPONSE: Objection. This Request is irrelevant as to hazards presented by the presence of asbestos in the manufacturing facilities of this defendant because there has been no allegation that plaintiff was ever an employee of this defendant. Without waiving this objection, and as to products manufactured or sold by this defendant, non-privileged, responsive documents, to the extent they exist, will be made

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& ALLEN

available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

22. All documents evidencing, reflecting or referring to the decision of defendant, including the identity of all individuals involved in the decision making process, to allegedly cease manufacture and sale of any asbestos containing product.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

23. All documents evidencing, reflecting or referring to any study by defendant or the results of any study by any entity at the request of defendant, including all interim and preliminary reports as well as all correspondence, of any health hazard presented by asbestos.

RESPONSE: See response to Request No. 20.

24. All documents evidencing, reflecting or referring to each asbestos removal or abatement program adopted by defendant.

RESPONSE: Objection. This defendant objects to this Request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence relevant to the subject matter of the pending action.

25. An affidavit stating whether production is complete according to the knowledge of defendant and defendant's insurance carriers, attorneys, agents and employees.

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124 S.W. Adams Street
Peoria, Illinois 61602
Fax (309) 676-3374
(309) 676-0400

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CPL/saj

RESPONSE: Objection. See Prefatory Statement. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, S. P. Bjorklund, declare:

I am the Manager, Financial and Business Analysis, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

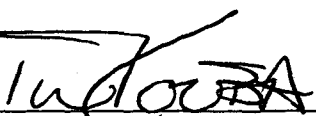
I have read the foregoing Answers, Objections, and other Responses to Plaintiffs' First Request For Production and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 10/15/98 in Chicago, Illinois.



S. P. Bjorklund

Subscribed and sworn to before me
this 15TH day of OCTOBER, 1998.



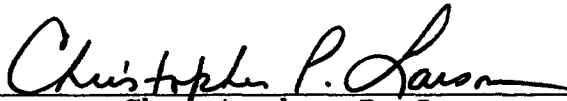
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 16 day of October, 1998.

Walker & Wylder, Ltd.
207 W. Jefferson Street
P.O. Box 3455
Bloomington, IL 61702-3455


Christopher P. Larson

YLROYSTER
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Peoria, Illinois 61602
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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINO
McLEAN COUNTY

JAMES W. BREWER, SR., and
JUDY BREWER,

Plaintiffs,

vs.

OWENS CORNING, et al.,

Defendants.

IN RE: ASBESTOS LITIGATION

LAW NO. 98 L 56

CERTIFICATE OF COUNSEL

NOW COMES the Defendant, UNITED STATES GYPSUM COMPANY, by HEYL, ROYSTER, VOELKER & ALLEN, and certifies that these Defendants have this date filed:

United States Gypsum Company's Responses to
Plaintiff's First Request for Discovery

*Copies Available
Upon Request

UNITED STATES GYPSUM COMPANY

BY:

HEYL, ROYSTER, VOELKER & ALLEN
Christopher P. Larson
#6187711

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 16 day of September, 1998.

See attached service list

Y. L. ROYSTER
JOELKER
& ALLEN

Christopher P. Larson

OCT 19 1998 *JA*

9 J 9137

JAMES W. BREWER, SR., and JUDY BREWER

IN THE CIRCUIT OF THE ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
McLEAN COUNTY
No. 98 L 56

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O'Hagen, Smith & Amundsen, LLC 312-781-2860 (fax)
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Robert W. Scott 309-637-1700
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ATTORNEYS FOR METROPOLITAN LIFE INSURANCE COMPANY

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Chicago, IL 60606

ATTORNEYS FOR PITTSBURGH CORNING CORPORATION

Nicole C. Behnen 314-231-1950
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ATTORNEYS FOR PPG INDUSTRIES, INC., and RAPID AMERICAN CORPORATION

Kirk Holman 309-662-6997
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Bloomington, IL 61704-3641

ATTORNEYS FOR ARMSTRONG WORLD INDUSTRIES, INC., and UNITED STATES GYPSUM COMPANY

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Chicago, IL 60606	

ATTORNEYS FOR SPRINKMANN SONS CORPORATION

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4909 Sir Lionel Ct.	(309) 633-0936 (fax)
Mapleton, IL 61547	



STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL DISTRICT
COUNTY OF MCLEAN

EDWARD TOTTERER,	)	
	)	
Plaintiff,	)	
vs.	)	No. 98 L 82
OWENS CORNING FIBERGLAS CORPORATION,	)	
et al.;	)	
	)	
Defendants.	)	

UNITED STATES GYPSUM COMPANY'S RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Interrogatories. Accordingly, by way of further response to these Interrogatories, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum "all agents, employees, officials, officers, executives, directors, consultants and any others who directly or indirectly

represent in any manner the defendants” and “the defendants and any predecessors.” In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

RESPONSES TO INTERROGATORIES

1. State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer who has taken the “reasonable steps to search the ‘corporate memory’ of the corporation (1) investigating the contents of the corporation’s records, and (2) trying to ascertain the knowledge of other corporate agents” as required in **Campen v Executive House Hotel, Inc.**, 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

RESPONSE: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

S.P. Bjorklund, Manager, Financial and Business Analysis, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

2. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and state the subject of each witness' testimony. **ISC Form Int. 23.**

RESPONSE: Unknown at this time. This defendant reserves the right to supplement this response.

3. Pursuant to Illinois Supreme Court Rule 213(g), provide the name and address of each opinion witness who offer any testimony and state: (a) the subject matter on which the opinion witness is expected to testify, (b) the conclusions and/or opinions of the opinion witness and the basis therefore, including reports of the witness, if any, (c) the qualifications of each opinion witness, including a curriculum vitae and/or resume, if any, (d) the identity of any written reports of the opinion witness regarding the occurrence.

ISC Form Int. 24.

RESPONSE: See Answer to Interrogatory No. 2.

4. Have you (or anyone acting on your behalf) had any conversations with any persons at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the (injuries) (loss) complained of by the plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following: (a) the date or dates of such conversations and or statements, (b) the place of such conversations and/or statements, (c) all persons present for the conversations and/or statements, (d) the matter and things stated by the person in the conversations and/or statements, (e) whether the conversation(s) was oral, written and/or recorded, (f) who has possession of the statement if written and/or recorded. **ISC Form Int. 9.**

RESPONSE: No.

5. Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral. **ISC Form Int. 10.**

RESPONSE: No.

6. If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence, state the full name and address of each such firm or adjuster.

RESPONSE: None.

7. If you have any information regarding Edward Totterer's physical condition other than that information furnished you by plaintiff's counsel, state the nature of the information,

the name and address of it's source, and if documentary in nature, its present location.

RESPONSE: None. Investigation continues.

8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them. **ISC Form Int. 8.**

RESPONSE: None by this defendant.

9. If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each policy: the name of the company, the policy number, the effective period, the maximum liability limits, what amounts, if any, have been previously paid under the policy which in the opinion of the carrier reduces the coverage available, whether the carrier denied coverage or tendered defense under a reservation of rights, whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage, and which, if any, of the carriers listed in your answer is providing a defense to this suit.

RESPONSE: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

10. State the following about each current employee of the defendant who has a medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

RESPONSE: No current employee of this defendant has a medical degree.

11. State the following about each current employee of the defendant who is an industrial

hygienist: name, business address and job title.

RESPONSE: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. He was succeeded in that position by R. P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

This defendant employed H. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H. C. Brown as an industrial hygienist from 9/28/87 to 11/90.

12. Has the defendant ever had one or more persons whose primary responsibility including looking after or monitoring the health of the defendant's employee's, such as a medical director? If so, state the following as to each person who has held this position: (a) the name and address of the person, (b) the name of the position he or she held, (c) the dates during which he or she held the position, (d) the address of his or her office during the time he or she held the position, (e) state whether there was a written job description for that position at that time, (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

RESPONSE: a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U. S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to 8-31-89
(retired).

W. Highstone, M.D. - 1939 to 1974 (deceased).

In addition, U. S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit Number 1.

e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

13. Has defendant ever directed or contributed money toward a study of the effects of asbestos upon the health of animals and man? If so, state the following as to each such study: a) the description or title of the study, b) the dates during which it was made, c) brief description of the study, d) whether any of the results were reported in written form, and if so, who now has a copy of the report.

RESPONSE: The following is a brief description of nonprivileged testing regarding asbestos or asbestos-containing materials which has been conducted by, on behalf of or with assistance from U.S. Gypsum. The documents involved speak for themselves regarding the specific tests. Nonprivileged documents relating to the studies and reports referenced below will be made available for plaintiff's inspection. In addition, there are unauthenticated documents relating to Dr. Gardner's Saranac study which U.S. Gypsum believes are in the possession of or available to plaintiff's counsel.

In an attempt to be responsive to interrogatories, the testing has been categorized and divided as follows:

A. Fiber Release

U. S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds in the early 1970's.

U. S. Gypsum retained an expert, Dr. Morton Corn, to perform two studies, both in Illinois: the first, a study of the ceiling at U. S. Gypsum's corporate headquarters in Chicago in 1982; the second, at the William A. Duguid Company in Des Plaines in 1984. Additionally, in 1983 there was testing performed by the Ontario Research Foundation with respect to the non-friability of U. S. Gypsum's acoustical plaster, Audicote.

Tests were conducted for U. S. Gypsum in 1965 by Boyle Engineering Laboratory on Firecode plaster for the purpose of determining surface erosion or dusting during high air velocity.

In 1984 the Ontario Research Foundation began a study that was intended to monitor the air during encapsulation to measure asbestos fiber levels. The study, however, was not completed. Also, in 1985, Dr. Morton Corn conducted a study at the William A. Duguid Company, the purpose of which was to determine whether asbestos fibers were released during the process of encapsulation. In 1985 U.S. Gypsum conducted air sampling tests before, during and after encapsulation of acoustical plaster, not manufactured by U.S. Gypsum, in the Yorkville, Illinois schools. Certain samples were taken from these schools, and certain testing was performed in 1987 on them by the Illinois Institute of Technology Research Institute (IITRI). IITRI's testing program was not completed.

B. Plant Dust Surveys

In the 1930's, Dr. Leroy U. Gardner of the Saranac Laboratories conducted investigations of U.S. Gypsum's New Brighton and Oakfield, New York facilities. In addition, in 1936 U.S. Gypsum retained Dr. Gardner to conduct an investigation of its Jersey City manufacturing plant,

within months after its purchase. Beginning in the 1950's, surveys were conducted at various U.S. Gypsum plants. These involved studies of nuisance dusts, one of which was asbestos.

C. Research Reports

U. S. Gypsum has undertaken research projects concerning various performance parameters of its products.

D. Doctor Gardner's Saranac Study

U.S. Gypsum contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

E. Survey of Airborne Fibers

Clayton Environmental Consultants, Inc. was retained by U.S. Gypsum in 1985 to conduct air sampling for asbestos at U.S. Gypsum's building at 101 South Wacker Drive, Chicago, Illinois.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

14. Have there been any studies of the effect of asbestos upon the health of any of defendant's employees? If so, state: a) the description or title of the study, b) the dates during which it was made, c) the location or locations of the plants at which the employees were employed, d) the number of employees studied, e) brief description of the study, f) whether any of the results were reported in written form, and if so, who now has a copy of the report.

RESPONSE: No formal medical "studies" of the effect of asbestos upon the health of employees, as that term is understood by this defendant, have been conducted at this defendant's

plants. However, to the extent that this interrogatory seeks data generated in industrial hygiene surveys of this defendant's plants, that included but were not limited to determining levels of asbestos and X-rays of certain employees, a number of such surveys have been conducted, including but not limited to surveys conducted by the Saranac Laboratory at the Jersey City, New Brighton and Oakfield plants in the 1930's and 1940's, and a series of surveys conducted by National Loss Control Services Corporation (NATLSCO) at defendant's plants in the 1970's. Copies of reports of such surveys and other non-privileged responsive documents will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

15. Have there been any instances where asbestos was a cause of lung cancer in man?

RESPONSE: Objection. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to offer.

16. How much asbestos is necessary to cause lung cancer in man?

RESPONSE: Objection. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to make.

17. What is the maximum amount of asbestos to which an individual can be exposed without increasing the risk that the individual will contract lung cancer?

RESPONSE: Objection. This Interrogatory calls for a medical conclusion which no employee of this defendant is qualified to make.

18. Has defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each warning: a) the language of the warning, b) date first issued or distributed, c) date last issued or distributed, d) the method of communication or

distribution used, e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

RESPONSE: See attached Exhibit Number 2.

19. If your answer to the preceding interrogatory was affirmative, list the name and address of each employee of defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

RESPONSE: See this defendant's response to Interrogatory Number 18.

20. List the names and addresses of all other persons (other than persons heretofore listed) who have knowledge of the facts of the occurrence and/or the injuries and damages claimed to have resulted therein. **ISC Form Int. 25.**

RESPONSE: Unknown at this time. Investigation continues.

21. Identify any statements, information and/or documents known to you and requested by any of the forgoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by ISCR 201(n) **ISC Form Int. 26.**

RESPONSE: None.

22. List all statements, oral, videotaped, or court reported, signed or unsigned (including date, county, case name and number) from those persons listed in response to Interrogatory Numbers 2 and 3.

RESPONSE: See Answer to Interrogatory No. 2.

23. List all statements by parties in this case, whether oral, written, videotaped, or court

reported, signed or unsigned, to some person or entity.

RESPONSE: Objection, overly broad and incapable of response.

27453

Plant Clinics and Medical Personnel
Retained/Consulted 1930 - 1976

Oakfield, New York

R. C. Warn, M.D.
J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.
W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.
O. Beck, M.D.
J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic
D. G. Launey, M.D.
S. L. Gilbert, M.D.
F. C. Atkinson, M.D.
R. F. Duchouquette, M.D.
W. D. Stevenson, M.D.
D. H. Waddell, M.D.
R. R. Henry, M.D.
Z. L. Dameron, M.D.
W. D. Lee, M.D.
A. H. Teddle, M.D.
Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.
J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.
P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.
A. H. Fortner, M.D.
S. A. Loeb, M.D.
J. K. Richardson, M.D.
T. D. Young, M.D.
F. Hood, M.D.
R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.
K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.
F. F. Boys, M.D.
F. A. Benchik, M.D.
G. A. Thegze, M.D.
J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center
T. J. Michelfelder, M.D.
C. L. Dagle, M.D.
M. E. Kraushaar, M.D.
J. J. Landhuis, M.D.
G. L. LeValley, M.D.
J. W. Rathke, M.D.
R. H. Brandt, M.D.
J. R. Kersten, M.D.
W. C. Robb, M.D.
H. H. Kersten, M.D.
R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic
J. M. Watson, M.D.
M. Raymond, M.D.
J. C. Kelly, M.D.
F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.
J. Anable, M.D.
Dr. Cook

South Gate, California

H. Caesar, M.D.
Family Medical Clinic
(Various physicians. Names unavailable.)
Firestone Medical Group
(Various physicians. Names unavailable.)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.
I. J. Bruhn, M.D.
J. A. Carroll, M.D.
A. C. Sapida, M.D.
Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.
E. Staffier, M.D.
A. C. Leavitt, M.D.
Sullivan Square
American Mutual Insurance Clinic
Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.
F. B. Nelson, M.D.
C. F. Dent, M.D.
E. E. Goe, M.D.
S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.
F. W. Nicklas, M.D.
H. Hagan, M.D.
Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational Health Center

Galena Park, Illinois

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.
D. E. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger

Dr. Natelson

Dr. Zuka

Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.

J. F. Roules, M.D.

Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.

R. M. LaSalle, Jr., M.D.

R. M. LaSalle, Sr., M.D.

R. M. LaSalle, M.D.

W. D. Boaz, M.D.

P. Ferguson, M.D.

F. Smyrniotis, M.D.

J. E. Haughn, M.D.

LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.

F. G. Mainolfi, M.D.

Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North

Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.

J. Dean, M.D.

Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.

R. Kirby, M.D.

T. Perry, M.D.

Southard, Oklahoma continued

R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worchester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic

W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Campbell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.

Alabaster, Michigan continued

R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.
J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Conyers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960's prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

U. S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

"Caution: Contains Asbestos Fibers. Avoid Creating Dust.
Breathing Asbestos Dust May Cause Serious Bodily Harm."

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U. S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966:

"Contains Asbestos."

The following appeared on SprayDon in subsequent years:

"Caution: This product contains asbestos." (1968)

"Caution: This product contains asbestos which may be harmful to lungs if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W. W. Henry Company and resold by U. S. Gypsum, the following appeared on the label for this product after 1972:

"Contents: Asphalt Petroleum Spirits, Asbestos Fiber."

U. S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient for its texture product, Imperial QT. Investigation is continuing.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, S. P. Bjorklund, declare:

I am the Manager, Financial and Business Analysis, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

I have read the foregoing Answers, Objections, and other Responses to Plaintiff's First Set of Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 11/23/98 in Chicago, Illinois.


S. P. Bjorklund

Subscribed and sworn to before me
this 23rd day of NOVEMBER, 1998.

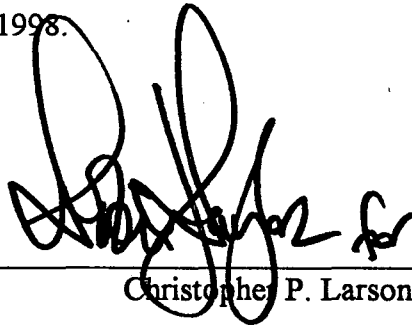

Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 25 day of November, 1998.

See attached service list.

A handwritten signature in black ink, appearing to read "Christopher P. Larson", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Christopher P. Larson

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL DISTRICT
COUNTY OF MCLEAN

EDWARD TOTTERER,

Plaintiff,

vs.

OWENS CORNING FIBERGLAS CORPORATION, et al.,

Defendants.

No. 98 L 82

UNITED STATES GYPSUM COMPANY'S RESPONSES TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Requests. Accordingly, by way of further response to these Requests, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Requests as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum "predecessors in interest,

subsidiaries, and successors-in-interest of the corporate defendant." In that U.S. Gypsum is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Requests on behalf of itself.

U.S. Gypsum further objects to these Requests to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Requests to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

RESPONSES TO REQUESTS FOR PRODUCTION

1. Each different telex or other document by which McKinney of Johns-Manville invited representatives of various companies, including USG, to a meeting on May 22, 1979, and all documents concerning, and minutes of, that meeting.

RESPONSE: After reasonable search, this defendant is currently unable to locate within its possession or control a document or documents as generally described in Request Number 1. In this Response, this defendant is unable to state whether or not it ever received a document or documents generally described in Request Number 1 or whether such documents may be in this defendant's possession or control currently. Rather, the lack of specificity in the documents' description does not provide enough information for this defendant to respond further.

2. All documents regarding any other meeting of representatives of three or more of the companies named in the memorandum regarding the CEO Meeting of May 22, 1979.

RESPONSE: See this defendant's response to Request Number 1.

3. Its original records (or if the originals are not available then the best available copies) of sales or shipment of products to: Mechanical Insulation, AC&S, Babcock & Wilcox Construction Company, Brand Insulation, A&M Insulation, Sprinkman Insulation, PCM Fabrication, EB Insulation, ECF.

RESPONSE: Records maintained in the normal course of this defendant's business do not identify the ultimate user of this defendant's products or where such products were installed. By way of further response, prior to 1966, this defendant sold its construction products exclusively through independent dealers. Beginning in or about 1966, this defendant sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

4. All witness statements, of any sort, whether signed or unsigned, of any person having

knowledge of the facts of this case, excluding only those privileged against disclosure at trial, in the possession or under the control of defendant and/or an attorney representing it in this or any other asbestos disease litigation.

RESPONSE: None.

5. All data as to the physical or mental condition of Edward Totterer, excluding all documents provided you by plaintiff's counsel and excluding all documents, copies of which have already been provided plaintiff's counsel through formal discovery.

RESPONSE: None.

6. All photographs, slides, motion pictures, models, maps, sketches, diagrams or drawings depicting the decedent or any location at which he worked.

RESPONSE: None. Investigation continues.

7. All photographs, models, sketches or diagrams of any of the products involved in this litigation.

RESPONSE: Objection. This Request is overbroad and unduly burdensome in that it is not limited to those asbestos containing products manufactured by this defendant which plaintiffs can herein establish are relevant to this litigation. If plaintiffs can demonstrate which of this defendants's asbestos containing products they may have utilized, this defendant will make available to plaintiff responsive, non-privileged documents relative to such products, to the extent they exist, at a mutually convenient time at its offices at 125 South Franklin Street, Chicago, IL.

8. All pamphlets, brochures or other documents prepared, distributed or utilized by defendant to advertise or promote asbestos containing products during the 1930's through 1970's.

RESPONSE: This defendant maintains no central repository for the accumulation of the requested information in the ordinary course of business. Documents that have already been identified and gathered to respond to discovery requests in other litigation and that relate to products which plaintiff can establish are relevant to this litigation, will be made available for inspection at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

9. All medical articles, case reports, textbooks or other documents which relate to any "state-of-the-art" defense you will present.

RESPONSE: Objection, overly broad and incapable of response.

10. A transcript (including exhibits) of each instance where an expert witness has testified in support of defendant's "state-of-the-art" defense in asbestos disease litigation.

RESPONSE: Objection, overly broad and incapable of response.

11. All notes or reports of interview of any person having or claiming to have knowledge of the facts or circumstances of this cause.

RESPONSE: None.

12. All reports, notes, letters, memoranda, or other documents showing or purporting to show what Edward Totterer was told about the relationship between asbestos dust and health.

RESPONSE: None. Investigation continues.

13. All reports, notes, letters, memoranda, or other documents showing or purporting to show what Edward Totterer knew about the relationship between asbestos dust and health.

RESPONSE: Unknown at this time. Investigation continues.

14. All medical records of those present or former employees of defendant who have filed

claims for worker's compensation or occupational disease benefits alleging an injury or disease from exposure to asbestos and all personnel and employment records which evidence or reflect the duration, quantity and quality of his or her exposure to asbestos while employed by defendant.

RESPONSE: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Request is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this defendant objects to this request to the extent it seeks information which is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Further, this defendant objects to the production of confidential medical records of employees or former employees whose consent for such production has not been obtained. Finally, this defendant objects to this Request to the extent it seeks information which is protected from discovery by virtue of attorney client privilege or the attorney work product doctrine. Without waiving these objections, this defendant will make available to plaintiff for its inspection and review, workmen's compensation face sheets alleging asbestos related injuries, as noted on those face sheets.

15. Each written warning, caution or other document which was intended by defendant to reach those persons who could breathe or ingest the asbestos from asbestos containing products manufactured and/or sold by defendant.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

16. A transcript (including exhibits) of each instance where an employee of defendant testified at deposition or trial in asbestos disease litigation.

RESPONSE: Objection. This Request is overly broad and unduly burdensome. Furthermore, as plaintiff's counsel is aware, this defendant has been involved in litigation regarding asbestos-containing products for a number of years, and a request for all transcripts appears calculated solely to harass this defendant.

17. A transcript (including exhibits) of each instance where an individual whom defendant listed, retained or called as an expert witness, testified at deposition or trial in asbestos disease litigation.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and not calculated to produce relevant, admissible evidence to the extent that the Request pertains to "expert witnesses" who have not been retained in this case. With respect to expert witnesses retained for this case by this defendant, this defendant will provide all appropriate discovery in accordance with the Rules of Civil Procedure.

18. Defendant's last three annual reports.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

19. A list of the names, addresses and employers of each person involved or consulted in the preparation of your response to this Request.

RESPONSE: S. P. Bjorklund, Manager, Financial and Business Analysis of United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification

requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

20. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the maximum distance that an asbestos particle can travel through the air.

RESPONSE: Objection. This request is vague, ambiguous, overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this request improperly assumes facts which are not in evidence and which are the issues in controversy in this lawsuit.

21. The results of all tests performed by the Saranac Laboratory at the direction of, or known to United States Gypsum Company.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

22. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the maximum time that an asbestos particle can remain

airborne.

RESPONSE: See this defendant's response to Request Number 20.

23. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the minimum quantity of asbestos necessary to induce mesothelioma.

RESPONSE: Objection. This Request calls for a medical conclusion which no employee of this defendant is qualified to make. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

24. Each policy of insurance, including all excess and umbrella policies, which may be construed to provide coverage for the claim stated in the Complaint.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

25. All documents reflecting payments or agreements for payments made under any of the policies described in the preceding paragraph which the carrier claims or could claim as a full or partial exhaustion of the policy limits or otherwise affect the amount of coverage available in this case.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

26. Its original records (or if the originals are not available then the best available copies) of

the following documents:

1. 01/27/48 Brown to companies
2. telex to ABEX re 05/22/79 meeting of CEOs of asbestos-producing companies
3. list of CEOs attending 05/22/79 asbestos producers meeting
4. 11/20/36 Saranac agreement
5. 1951 Vorwald, "Experimental Studies of Asbestosis"
6. 12/10/34 letter Brown to Lanza
7. 12/15/34 letter Hobart to Brown
8. 12/18/34 letter Brown to Judd
9. 12/21/34 letter Brown to Lanza
10. 12/24/34 letter Brown to Judd
11. 01/02/35 letter Judd to Brown
12. 09/25/35 letter "Asbestos" to Simpson
13. 10/01/35 letter Simpson to Brown
14. 10/03/35 letter Brown to Simpson
15. 11/20/36 letter Brown to Gardner
16. 11/23/36 letter Gardner to Brown
17. 12/04/36 letter Brown to Stover
18. 02/27/37 letter Brown to Simpson
19. 05/03/39 letter Brown to Simpson
20. 05/04/39 letter Simpson to Brown
21. 05/10/40 letter Brown to Simpson

22. 11/12/46 letter Brown to Bowditch
23. 02/24/43 Gardner to Brown with outline of proposed monograph
24. 05/07/52 first interim report on asbestosis and pulmonary cancer to QAMA
25. 10/27/48 Brown to sponsors
26. 03/31/51 Brown to sponsors
27. 11/12/48 Kelly to Brown
28. 11/12/48 Brown to Kelly
29. 11/16/48 Kelly to Brown
30. Agenda, 08/11/83 asbestos claims conference
31. 07/13/83 O-I letter re 07/22/83 asbestos CEO meeting
32. 08/03/83 McWeeny letter to Manville, follow up to 07/22/89 CEO meeting
33. List of seventh Saranac attendees
34. Program for Seventh Saranac Symposium
35. 11/05/85 Dr. Asher Yaguda letter to Arthur Mead re Gardiner Rainey
36. Fleischer-Drinker report
37. Dreessen report
38. Agenda for 06/91 TIMA meeting
39. Outline for proposed monograph on asbestosis
40. 08/04/47 Lynch to Vorwald
41. 08/01/47 Vorwald to Lynch
42. Unfinished Gardner report
43. 07/10/81 Castleman to VanDiver Brown

44. 3 pages edited from 1948 Vorwald draft
45. 09/48 Vorwald draft
46. 04/06/63 Lynch to Krieg
47. 04/16/63 Lynch to Krieg
48. 08/22/39 Buell to McConnell
49. 03/03/49 Brown to companies
50. 04/54 Pratt reading autopsy for Sabourin
51. 1947 Pratt reading autopsy for Sabourin
52. 10/12/48 Durkan to Woodard
53. 10/22/48 Brown to Muehleck
54. 06/01/48 Woodard to Vorwald
55. 11/30/48 Woodard to Gatke
56. 1993 Morton Corn letter
57. 06/11/51 Smith to McGaw
58. 01/11/71 Vyverberg to Saverstrom
59. NIMA pamphlet regarding asbestos
60. Minutes ACPA Health & Safety Council
61. 05/16/79 Manville memo regarding 05/22/79 asbestos CEO meeting
62. 07/19/83 agenda for 07/22/83 asbestos CEO meeting
63. 06/05/67 NIMA minutes
64. 10/10/67 NIMA minutes
65. 04/16/68 NIMA minutes

- 66. Saranac Laboratory to US gypsum vice president W. L. Keady: "Report of Dust Survey at National Asbestos Company Plant of United States Gypsum Company at Jersey City, NJ" by V. L. Gardner 05/25/36 - 06/02/36
- 67. 08/13/36 memorandum to W. L. Keady from General Service Manager regarding Dust Survey at Jersey City
- 68. All progress reports received from VanDiver Brown at Johns-Manville regarding Saranac asbestos experiments
- 69. 09/16/37 sales manager C. G. Scharwath letter about former assistant bookkeeper of old National Asbestos Company
- 70. 09/29/37 response to C. G. Scharwath letter by J. S. Offutt, Assistant to President
- 71. 10/08/37 note to price from Jersey City lawyer J. J. Cuneo
- 72. 10/28/37 Price reply to 10/08/37 note; 73. 1948 internal operations bulletin
- 74. 02/11/54 company bulletin: "Elimination of Dusty Conditions" Number 2-5
- 75. 06/08/50 letter from Ben Miriello with attached death certificate
- 76. 12/50 letter from Ben Miriello; 77. 12/27/50 reply to Ben Miriello
- 78. All materials from 09/19/67 meeting of the Gypsum Association
- 79. 07/23/73 memorandum to J. T. Allen, Jr. from C. M. Howard, Jr.: "Asbestos Pollution".

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

- 27. All statements, by parties in this case, which are oral, written or court reported, signed or

unsigned, to some person or entity other than an attorney or insurer.

RESPONSE: Objection, overly broad and incapable of response.

28. All business records and business documents of United States Gypsum Company, including, but not limited to, memoranda, reports, tests, correspondence and literature.

RESPONSE: Objection. This request is vague, ambiguous, overbroad and unduly burdensome. Additionally, this request is overbroad in scope of time. This defendant discontinued manufacturing products with asbestos as part of their formulations in 1977. Inquiries into years subsequent to 1977 will not lead to the discovery of admissible evidence. Further, this Request is overbroad in that it is not limited to asbestos, the focus of this litigation. Without waiving these objections, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time at this defendant's offices at 125 South Franklin Street, Chicago, IL.

29. All photographs, packaging, reports, labeling and samples pertaining to United States Gypsum Company asbestos containing products and asbestos packaging.

RESPONSE: Objection. This Request is overbroad and unduly burdensome in that it is not limited to those asbestos containing products manufactured by this defendant which plaintiffs can herein establish are relevant to this litigation. If plaintiffs can demonstrate which of this defendants' asbestos containing products they may have utilized, this defendant will make available to plaintiff responsive, non-privileged documents relative to such products, to the extent they exist, at a mutually convenient time at its offices at 125 South Franklin Street, Chicago, IL.

30. All reports and documents relating to the testing or analysis of United States Gypsum Company products.

RESPONSE: Objection. This Request is overbroad in that it is not limited to testing concerning asbestos, the focus of this litigation. Without waiving this objection, and relating to testing concerning asbestos, the following is a brief description of nonprivileged testing regarding asbestos or asbestos-containing materials which has been conducted by, on behalf of or with assistance from this defendant. The documents involved speak for themselves regarding the specific tests. Non-privileged documents relating to the studies and reports referenced below will be made available for plaintiff's inspection. In addition, there are unauthenticated documents relating to Dr. Gardner's Saranac study which this defendant believes are in the possession of or available to plaintiff's counsel.

In an attempt to be responsive to interrogatories, the testing has been categorized and divided as follows:

A. Fiber Release

This defendant is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds in the early 1970's.

This defendant retained an expert, Dr. Morton Corn, to perform two studies, both in Illinois: the first, a study of the ceiling at this defendant's corporate headquarters in Chicago in 1982; the second, at the William A. Duguid Company in Des Plaines in 1984. Additionally, in 1983 there was testing performed by the Ontario Research Foundation with respect to the non-friability of this defendant's acoustical plaster, Audicote.

Tests were conducted for this defendant in 1965 by Boyle Engineering Laboratory on Firecode plaster for the purpose of determining surface erosion or dusting during high air velocity.

In 1984 the Ontario Research Foundation began a study that was intended to monitor the

air during encapsulation to measure asbestos fiber levels. The study, however, was not completed. Also, in 1985, Dr. Morton Corn conducted a study at the William A. Duguid Company, the purpose of which was to determine whether asbestos fibers were released during the process of encapsulation. In 1985 This defendant conducted air sampling tests before, during and after encapsulation of acoustical plaster, not manufactured by this defendant, in the Yorkville, Illinois schools. Certain samples were taken from these schools, and certain testing was performed in 1987 on them by the Illinois Institute of Technology Research Institute (IITRI). IITRI's testing program was not completed.

B. Plant Dust Surveys

In the 1930's, Dr. Leroy U. Gardner of the Saranac Laboratories conducted investigations of this defendant's New Brighton and Oakfield, New York facilities. In addition, in 1936 this defendant retained Dr. Gardner to conduct an investigation of its Jersey City manufacturing plant, within months after its purchase. Beginning in the 1950's, surveys were conducted at various plants of this defendant. These involved studies of nuisance dusts, one of which was asbestos.

C. Research Reports

This defendant has undertaken research projects concerning various performance parameters of its products.

D. Doctor Gardner's Saranac Study

This defendant contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

E. Survey of Airborne Fibers

Clayton Environmental Consultants, Inc. was retained by this defendant in 1985 to

conduct air sampling for asbestos at this defendants building at 101 South Wacker Drive, Chicago, Illinois.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

31. Results from tissue samples sent to Saranac Laboratory in the early 1930's.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

32. Documents reflecting defendant's purchase of the National Asbestos Plant in Jersey City, NJ.

RESPONSE: Objection. This Request is overbroad in that it is not limited to asbestos, the focus of this litigation. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

33. Documents showing United States Gypsum Company as a member of the Asbestos Cement Products Association.

RESPONSE: Non-privileged, responsive documents, to the extent that exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

34. Documents pertaining to safety procedures and all other information or literature pertaining to asbestos containing products and asbestos related conditions, including but

not limited to records, materials and information.

RESPONSE: Non-privileged, responsive documents, to the extent that exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

35. An affidavit stating whether production is complete according to the knowledge of defendant and defendant's insurance carriers, attorneys, agents and employees.

RESPONSE: Objection. See Prefatory Statement. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

27451

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, S. P. Bjorklund, declare:

I am the Manager, Financial and Business Analysis, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

I have read the foregoing Answers, Objections, and other Responses to Plaintiff's First Request For Production and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 11/23/98 in Chicago, Illinois.

S. P. Bjorklund
S. P. Bjorklund

Subscribed and sworn to before me
this 23rd day of NOVEMBER, 1998.

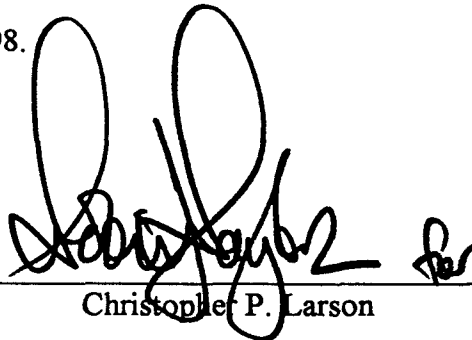
Timothy Kouba
Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 25 day of November, 1998.

See attached service list.



A handwritten signature in black ink, appearing to read "Christopher P. Larson", is written over a horizontal line. The signature is stylized with large loops and a trailing flourish.

Christopher P. Larson



STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
COUNTY OF MACON

ANN BOLDINI, Individually, and as	)	
Special Administrator of the Estate	)	
of Samuel Boldini, deceased	)	
Plaintiff,	)	
	)	
v.	)	No. 96 L 137
	)	
ABEX CORPORATION, et al.,	)	
Defendants.	)	

UNITED STATES GYPSUM COMPANY'S RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

PREFATORY STATEMENT

United States Gypsum Company (hereinafter "U.S. Gypsum") has, to the best of its abilities, gathered non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to requests for production served in asbestos litigation. These documents provide information that supplements and expands upon that provided in these answers to Interrogatories. Accordingly, by way of further response to these Interrogatories, U.S. Gypsum hereby offers to make available these documents at a mutually convenient time at its offices at 125 S. Franklin Street, Chicago, Illinois.

In giving its responses to Interrogatories as to asbestos-containing products, U.S. Gypsum refers to products containing commercial asbestos as part of their formulation and to the type of commercial asbestos used as part of the formulation.

OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum "all agents, employees, officials, officers, executives, directors, consultants and any others who directly or indirectly represent in any manner the defendants" and "the defendants and any predecessors." In that U.S. Gypsum Company is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Interrogatories on behalf of itself.

U.S. Gypsum further objects to these Interrogatories to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Interrogatories to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

RESPONSES TO INTERROGATORIES

1. State the exact name, date and state of incorporation of the corporation providing the answers to these interrogatories and the name of the agent or officer wh has taken the "reasonable steps to search the 'corporate memory' of the corporation (1) investigating the contents of the corporation's records, and (2) trying to ascertain the knowledge of

other corporate agents" as required in **Campen v Executive House Hotel, Inc.**, 105 Ill. App. 3d 576, 587 (1st Dist. 1982).

RESPONSE: The exact name of this defendant is United States Gypsum Company. The state of incorporation for this defendant is Delaware.

S.P. Bjorklund, Manager, Financial and Business Analysis, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

2. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial and state the subject of each witness' testimony. **ISC Form Int. 23.**

RESPONSE: Unknown at this time. This defendant will disclose its witnesses in accordance with the court ordered deadline.

3. Pursuant to Illinois Supreme Court Rule 213(g), provide the name and address of each opinion witness who offer any testimony and state:(a) the subject matter on which the opinion witness is expected to testify, (b) the conclusions and/or opinions of the opinion

witness and the basis therefore, including reports of the witness, if any, (c) the qualifications of each opinion witness, including a curriculum vitae and/or resume, if any, (d) the identity of any written reports of the opinion witness regarding the occurrence.

ISC Form Int. 24.

RESPONSE: See answer to Interrogatory No. 2.

4. Have you (or anyone acting on your behalf) had any conversations with any persons at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the (injuries) (loss) complained of by the plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following: (a) the date or dates of such conversations and or statements, (b) the place of such conversations and/or statements, (c) all persons present for the conversations and/or statements, (d) the matter and things stated by the person in the conversations and/or statements, (e) whether the conversation(s) was oral, written and/or recorded, (f) who has possession of the statement if written and/or recorded. **ISC Form Int. 9.**

RESPONSE: No.

5. Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral. **ISC Form Int. 10.**

RESPONSE: No.

6. If any private firm or company adjuster has been directed to investigate the occurrence or ask questions of persons who may have knowledge of facts concerning the occurrence,

state the full name and address of each such firm or adjuster.

RESPONSE: None.

7. If you have any information regarding Samuel Boldini's physical condition other than that information furnished you by plaintiff's counsel, state the nature of the information, the name and address of its source, and if documentary in nature, its present location.

RESPONSE: None other than medical records subpoenaed by codefendant.

8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address and occupation and employer of the person taking them. **ISC Form Int. 8.**

RESPONSE: None by this defendant.

9. If you were named or covered under any policy of insurance which provides coverage for any claim stated in the complaint, state as to each policy: the name of the company, the policy number, the effective period, the maximum liability limits, what amounts, if any, have been previously paid under the policy which in the opinion of the carrier reduces the coverage available, whether the carrier denied coverage or tendered defense under a reservation of rights, whether the policy contains any first party medical pay or disability coverage, and, if so, describe the coverage, and which, if any, of the carriers listed in your answer is providing a defense to this suit.

RESPONSE: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

10. State the following about each current employee of the defendant who has a

medical degree: name, business address, job title, and whether the person completed a residency in either public health or occupational medicine.

RESPONSE: No current employee of this defendant has a medical degree.

11. State the following about each current employee of the defendant who is an industrial hygienist: name, business address and job title.

RESPONSE: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. He was succeeded in that position by R. P. Musselman, Corporate Toxicologist. Prior to August 4, 1986, this defendant did not employ a certified industrial hygienist.

This defendant employed H. Lawton as an industrial hygienist from 8/17/87 to 12/90 and H. C. Brown as an industrial hygienist from 9/28/87 to 11/90.

12. Has the defendant ever had one or more persons whose primary responsibility including looking after or monitoring the health of the defendant's employee's, such as a medical director? If so, state the following as to each person who has held this position: (a) the name and address of the person, (b) the name of the position he or she held, (c) the dates during which he or she held the position, (d) the address of his or her office during the time he or she held the position, (e) state whether there was a written job description for that position at that time, (f) if there was a written job description, set forth the words of the description or attach a copy hereto.

RESPONSE: a-d) Objection. This defendant objects to the phrase "looking after or monitoring the health of defendant's employees" as being vague and ambiguous. In addition, there has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory

is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U. S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to 8-31-89 (retired).

W. Highstone, M.D. - 1939 to 1974 (deceased).

In addition, U. S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit Number 1.

e-f) The Medical Director operated a medical facility in Company general offices; conducted and managed a medical program; and furnished counsel as required to assure the health and well being of Company employees.

Medical Director reported to the Vice President of Personnel.

13. Has defendant ever directed or contributed money toward a study of the effects of asbestos upon the health of animals and man? If so, state the following as to each such study: a) the description or title of the study, b) the dates during which it was made, c) brief description of the study, d) whether any of the results were reported in written form, and if so, who now has a copy of the report.

RESPONSE: The following is a brief description of nonprivileged testing regarding asbestos or asbestos-containing materials which has been conducted by, on behalf of or with assistance from U.S. Gypsum. The documents involved speak for themselves regarding the specific tests. Nonprivileged documents relating to the studies and reports referenced below will be made available for plaintiff's inspection. In addition, there are unauthenticated documents relating to Dr. Gardner's Saranac study which U.S. Gypsum believes are in the possession of or available to

plaintiff's counsel.

In an attempt to be responsive to interrogatories, the testing has been categorized and divided as follows:

A. Fiber Release

U. S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds in the early 1970's.

U. S. Gypsum retained an expert, Dr. Morton Corn, to perform two studies, both in Illinois: the first, a study of the ceiling at U. S. Gypsum's corporate headquarters in Chicago in 1982; the second, at the William A. Duguid Company in Des Plaines in 1984. Additionally, in 1983 there was testing performed by the Ontario Research Foundation with respect to the non-friability of U. S. Gypsum's acoustical plaster, Audicote.

Tests were conducted for U. S. Gypsum in 1965 by Boyle Engineering Laboratory on Firecode plaster for the purpose of determining surface erosion or dusting during high air velocity.

In 1984 the Ontario Research Foundation began a study that was intended to monitor the air during encapsulation to measure asbestos fiber levels. The study, however, was not completed. Also, in 1985, Dr. Morton Corn conducted a study at the William A. Duguid Company, the purpose of which was to determine whether asbestos fibers were released during the process of encapsulation. In 1985 U.S. Gypsum conducted air sampling tests before, during and after encapsulation of acoustical plaster, not manufactured by U.S. Gypsum, in the Yorkville, Illinois schools. Certain samples were taken from these schools, and certain testing was performed in 1987 on them by the Illinois Institute of Technology Research Institute (IITRI).

IITRI's testing program was not completed.

B. Plant Dust Surveys

In the 1930's, Dr. Leroy U. Gardner of the Saranac Laboratories conducted investigations of U.S. Gypsum's New Brighton and Oakfield, New York facilities. In addition, in 1936 U.S. Gypsum retained Dr. Gardner to conduct an investigation of its Jersey City manufacturing plant, within months after its purchase. Beginning in the 1950's, surveys were conducted at various U.S. Gypsum plants. These involved studies of nuisance dusts, one of which was asbestos.

C. Research Reports

U. S. Gypsum has undertaken research projects concerning various performance parameters of its products.

D. Doctor Gardner's Saranac Study

U.S. Gypsum contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

E. Survey of Airborne Fibers

Clayton Environmental Consultants, Inc. was retained by U.S. Gypsum in 1985 to conduct air sampling for asbestos at U.S. Gypsum's building at 101 South Wacker Drive, Chicago, Illinois.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

14. Have there been any studies of the effect of asbestos upon the health of any of defendant's employees? If so, state: a) the description or title of the study, b) the dates

during which it was made, c) the location or locations of the plants at which the employees were employed, d) the number of employees studied, e) brief description of the study, f) whether any of the results were reported in written form, and if so, who now has a copy of the report.

RESPONSE: No formal medical "studies" of the effect of asbestos upon the health of employees, as that term is understood by this defendant, have been conducted at this defendant's plants. However, to the extent that this interrogatory seeks data generated in industrial hygiene surveys of this defendant's plants, that included but were not limited to determining levels of asbestos and X-rays of certain employees, a number of such surveys have been conducted, including but not limited to surveys conducted by the Saranac Laboratory at the Jersey City, New Brighton and Oakfield plants in the 1930's and 1940's, and a series of surveys conducted by National Loss Control Services Corporation (NATLSCO) at defendant's plants in the 1970's. Copies of reports of such surveys and other non-privileged responsive documents will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

15. Has defendant issued a warning about the relationship between asbestos and mesothelioma? If so, state as to each warning: a) the language of the warning, b) date first issued or distributed, c) date last issued or distributed, d) the method of communication or distribution used, e) the name, position at that time, and current address, position and employer of each person ordering or recommending the warning.

RESPONSE: See attached Exhibit Number 2.

16. If your answer to the preceding interrogatory was affirmative, list the name and address

of each employee of defendant who was responsible to investigate whether the warning was reaching the persons who were breathing or ingesting sufficient amounts of asbestos to be at risk of contracting mesothelioma.

RESPONSE: See this defendant's response to Interrogatory Number 16.

17. Has any employee, agent or representative of the defendant (or any of its corporate predecessors) ever been physically present at the premises of ADM's East Plant in Decatur, IL? If so, state the name, current address, and date(s) of visit of each such person.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

18. Has defendant or any of its corporate predecessors ever sold asbestos or asbestos containing products to ADM in Decatur, IL or shipped or delivered asbestos or asbestos containing products to ADM in Decatur, IL? If so, state the details of each such sale, shipment or delivery.

RESPONSE: This defendant never sold raw asbestos. In addition, U.S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U.S. Gypsum responds as follows: Prior to 1966, U.S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U.S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606, pursuant to a properly filed request to produce.

Other non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

19. List the names and addresses of all other persons (other than persons heretofore listed) who have knowledge of the facts of the occurrence and/or the injuries and damages claimed to have resulted therein. **ISC Form Int. 25.**

RESPONSE: None at this time. Investigation continues.

20. Identify any statements, information and/or documents known to you and requested by any of the forgoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by ISCR 201(n) **ISC Form Int. 26.**

RESPONSE: None.

21. List all statements, oral, videotaped, or court reported, signed or unsigned (including date, county, case name and number) from those persons listed in response to Interrogatory Numbers 2 and 3.

RESPONSE: See answer to Interrogatory No. 2.

22. List all statements by parties in this case, whether oral, written, videotaped, or court

reported, signed or unsigned, to some person or entity.

RESPONSE: Objection. Overly broad and incapable of response.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

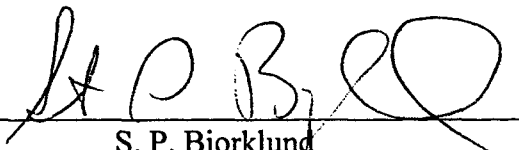
VERIFICATION

I, S. P. Bjorklund, declare:

I am the Manager, Financial and Business Analysis, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

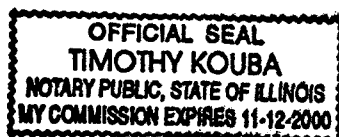
I have read the foregoing Answers, Objections, and other Responses to Plaintiff's First Set Of Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 10/6/98 in Chicago, Illinois.


S. P. Bjorklund

Subscribed and sworn to before me
this 6TH day of NOVEMBER, 1998.


Notary Public



Plant Clinics and Medical Personnel
Retained/Consulted 1930 - 1976

Oakfield, New York

R. C. Warn, M.D.
J. Diasio, M.D.

Chamblee, Georgia

H. M. Schreeder, M.D.
W. C. McGraw, M.D.

Greenville, Mississippi

J. B. Hirsch, Sr., M.D.
O. Beck, M.D.
J. B. Hirsch, Jr., M.D.

Corsicana, Texas

A. L. Grizzafi, M.D.

Dallas, Texas

Launey Medical & Surgical Clinic

D. G. Launey, M.D.
S. L. Gilbert, M.D.
F. C. Atkinson, M.D.
R. F. Duchouquette, M.D.
W. D. Stevenson, M.D.
D. H. Waddell, M.D.
R. R. Henry, M.D.
Z. L. Dameron, M.D.
W. D. Lee, M.D.
A. H. Teddle, M.D.
Trinity Medical Clinic

Jacksonville, Florida

J. H. Mitchell, M.D.
J. L. Mitchell, M.D.

Plasterco, Virginia

J. A. Soyars, M.D.

P. W. Cowherd, M.D.

Sweetwater, Texas

C. A. Rosebrough, M.D.

A. H. Fortner, M.D.

S. A. Loeb, M.D.

J. K. Richardson, M.D.

T. D. Young, M.D.

F. Hood, M.D.

R. L. Price, M.D.

Detroit, Michigan

R. L. St. Louis, M.D.

K. Hergt, M.D.

East Chicago, Indiana

R. J. Liehr, M.D.

F. F. Boys, M.D.

F. A. Benchik, M.D.

G. A. Thegze, M.D.

J. Demkowicz, R.N.

Fort Dodge, Iowa

Fort Dodge Medical Center

T. J. Michelfelder, M.D.

C. L. Dagle, M.D.

M. E. Kraushaar, M.D.

J. J. Landhuis, M.D.

G. L. LeValley, M.D.

J. W. Rathke, M.D.

R. H. Brandt, M.D.

J. R. Kersten, M.D.

W. C. Robb, M.D.

H. H. Kersten, M.D.

R. E. Woodard, M.D.

Gypsum, Ohio

C. J. Yeisley, M.D.
A. J. Miessner, M.D.
P. Hughes, M.D.
K. Ritter, M.D.
K. Akins, M.D.
M. Jennings, R.N.

Shoals, Indiana

E. B. Lett, M.D.
R. E. Chattin, M.D.

Empire, Nevada

Sparks Medical Clinic
J. M. Watson, M.D.
M. Raymond, M.D.
J. C. Kelly, M.D.
F. C. Stokes, M.D.

Torrance, California

P. Casey, M.D.
J. Anable, M.D.
Dr. Cook

South Gate, California

H. Caesar, M.D.
Family Medical Clinic
(Various physicians. Names unavailable.)
Firestone Medical Group
(Various physicians. Names unavailable.)

Tacoma, Washington

B. Archer, M.D.

Walworth, Wisconsin

D. R. Hansen, M.D.
I. J. Bruhn, M.D.
J. A. Carroll, M.D.
A. C. Sapida, M.D.
Walworth Family Medical Center

Boston, Massachusetts

V. Rubin, M.D.
E. Staffier, M.D.
A. C. Leavitt, M.D.
Sullivan Square
American Mutual Insurance Clinic
Massachusetts General Hospital

Clark, New Jersey

C. T. Decker, M.D.
F. B. Nelson, M.D.
C. F. Dent, M.D.
E. E. Goe, M.D.
S. Wexler, M.D.

Oakmont, Pennsylvania

C. E. Piper, M.D.
F. W. Nicklas, M.D.
H. Hagan, M.D.
Citizens General Hospital

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational Health Center

Galena Park, Illinois

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.
D. E. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger

Dr. Natelson

Dr. Zuka

Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.

J. F. Roules, M.D.

Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.

R. M. LaSalle, Jr., M.D.

R. M. LaSalle, Sr., M.D.

R. M. LaSalle, M.D.

W. D. Boaz, M.D.

P. Ferguson, M.D.

F. Smyrniotis, M.D.

J. E. Haughn, M.D.

LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.

F. G. Mainolfi, M.D.

Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North

Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.

J. Dean, M.D.

Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.

R. Kirby, M.D.

T. Perry, M.D.

Southard, Oklahoma continued

R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worchester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic

W. G. Thuss, M.D.

R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Campbell, M.D.
Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.

Alabaster, Michigan continued

R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.
J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California
Acquired 1983

Philadelphia, Pennsylvania
Plant sold

Conyers, Georgia
Acquired 12/10/80

Mansfield, Texas
Acquired 8/81

Spruce Pine
Acquired 5/12/79

LaMirada, California
Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960's prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

EXHIBIT 2

U. S. Gypsum utilized warnings to applicators consistent with OSHA guidelines on its joint treatment products beginning in 1972, on texture products beginning in 1973, and on certain industrial plaster products in 1975.

The language of the warning was as follows:

**"Caution: Contains Asbestos Fibers. Avoid Creating Dust.
Breathing Asbestos Dust May Cause Serious Bodily Harm."**

In 1974, the above warning was modified by adding the following on joint compound products:

"Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines or NIOSH, to remove nuisance dust."

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U. S. Gypsum according to Sprayon's specifications, the following appeared on SprayDon bags in approximately June, 1966:

"Contains Asbestos."

The following appeared on SprayDon in subsequent years:

"Caution: This product contains asbestos." (1968)

"Caution: This product contains asbestos which may be harmful to lungs if inhaled." (1969)

Concerning Super-tite Wet Patch, an adhesive manufactured by W. W. Henry Company and resold by U. S. Gypsum, the following appeared on the label for this product after 1972:

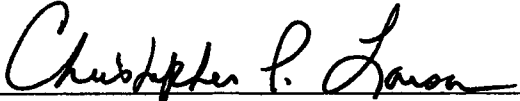
"Contents: Asphalt Petroleum Spirits, Asbestos Fiber."

U. S. Gypsum presently believes that during the period 1969 - 1973, asbestos was listed as a separate ingredient for its texture product, Imperial QT. Investigation is continuing.

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois on the 17 day of November, 1998.

Walker & Wylder, Ltd.
Attorneys at Law
207 W. Jefferson Street
P.O. Box 3455
Bloomington, IL 61702-3455

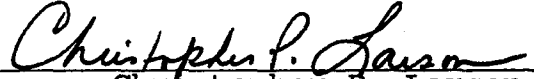

Christopher P. Larson

4J9132DIA.02
CPL/saj

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 17th day of November, 1998.

See Attached Service List


Christopher P. Larson

HEYL ROYSTER
VOELKER
& ALLEN

Suite 600
Bank One Building
124 S.W. Adams Street
Peoria, Illinois 61602
Fax (309) 676-3374
(309) 676-0400

4 J 9132

BOLDINI, ANN v. ABEX CORP., et al.

IN THE CIRCUIT OF THE SIXTH JUDICIAL CIRCUIT OF ILLINOIS
MACON COUNTY
No. 96 L 137

ATTORNEYS FOR PLAINTIFF

WALKER & WYLDER, LTD.
207 W. Jefferson
P.O. Box 3455
Bloomington, IL 61702-3455

309-828-5044
309-827-2742 (fax)

ATTORNEYS FOR ABEX CORPORATION, ABEX, INC., PNEUMO ABEX CORP.

Robert W. Scott
Swain, Hartshorn & Scott
411 Hamilton Blvd., Suite 1806
Peoria, IL 61602-1104

309-637-1700
309-637-1708 (Fax)

ATTORNEYS FOR METROPOLITAN LIFE INSURANCE COMPANY

Mark E. Rakoczy
Skadden, Arps, Slate, Meagher & Flom
333 W. Wacker, Suite 2100
Chicago, IL 60606

312-407-0700
312-407-0411 (fax)

ATTORNEYS FOR OWENS-ILLINOIS, INC.

Robert Riley
Schiff, Hardin & Waite
7200 Sears Tower
Chicago, IL 60606

ATTORNEYS FOR OWENS CORNING

Stephen R. Kaufmann
Sorling, Northrup, Hanna Cullen
and Cochran, Ltd.
607 East Adams Street, Suite 800
P. O. Box 5131
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OBJECTIONS

U.S. Gypsum objects to the manner in which plaintiff has defined U.S. Gypsum to the extent that plaintiff purports to include in its definition of U.S. Gypsum "predecessors in interest, subsidiaries, and successors-in-interest of the corporate defendant." In that U.S. Gypsum is the named defendant, this definition is overly broad and would require U.S. Gypsum to engage in unduly burdensome research, divulge privileged information and produce privileged documents. This defendant, United States Gypsum Company, responds to these Requests on behalf of itself.

U.S. Gypsum further objects to these Requests to the extent they seek information or documents protected by the attorney-client privilege and the work product rule and to the extent they seek trial preparation or expert materials or documents.

Finally, U.S. Gypsum objects to these Requests to the extent they ask for "identification" of voluminous documents on the ground that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. As set forth infra, U.S. Gypsum will produce documents which are the proper subjects of an appropriate document request.

RESPONSES TO REQUESTS FOR PRODUCTION

1. Each different telex or other document by which McKinney of Johns-Manville invited representatives of various companies, including USG, to a meeting on May 22, 1979, and all documents concerning, and minutes of, that meeting.

RESPONSE: After reasonable search, this defendant is currently unable to locate within its possession or control a document or documents as generally described in Request Number 1. In this Response, this defendant is unable to state whether or not it ever received a document or

documents generally described in Request Number 1 or whether such documents may be in this defendant's possession or control currently. Rather, the lack of specificity in the documents' description does not provide enough information for this defendant to respond further.

2. All documents regarding any other meeting of representatives of three or more of the companies named in the memorandum regarding the CEO Meeting of May 22, 1979.

RESPONSE: See this defendant's response to Request Number 1.

3. Its original records (or if the originals are not available then the best available copies) of sales or shipment of products to: Mechanical Insulation. AC&S, Babcock & Wilcox Construction Company, Brand Insulation, A&M Insulation, Sprinkman Insulation, PCM Fabrication, EB Insulation, ECF.

RESPONSE: Records maintained in the normal course of this defendant's business do not identify the ultimate user of this defendant's products or where such products were installed. By way of further response, prior to 1966, this defendant sold its construction products exclusively through independent dealers. Beginning in or about 1966, this defendant sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.

Other non-privileged, responsive documents, to the extent they exist, will be made

available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

4. All witness statements, of any sort, whether signed or unsigned, of any person having knowledge of the facts of this case, excluding only those privileged against disclosure at trial, in the possession or under the control of defendant and/or an attorney representing it in this or any other asbestos disease litigation.

RESPONSE: None..

5. All data as to the physical or mental condition of Samuel Boldini, excluding all documents provided you by plaintiff's counsel and excluding all documents, copies of which have already been provided plaintiff's counsel through formal discovery.

RESPONSE: None.

6. All photographs, slides, motion pictures, models, maps, sketches, diagrams or drawings depicting the decedent or any location at which he worked.

RESPONSE: None. Investigation continues.

7. All photographs, models, sketches or diagrams of any of the products involved in this litigation.

RESPONSE: Objection. This Request is overbroad and unduly burdensome in that it is not limited to those asbestos containing products manufactured by this defendant which plaintiffs can herein establish are relevant to this litigation. If plaintiffs can demonstrate which of this defendants's asbestos containing products they may have utilized, this defendant will make available to plaintiff responsive, non-privileged documents relative to such products, to the extent they exist, at a mutually convenient time at its offices at 125 South Franklin Street,

Chicago, IL.

8. All pamphlets, brochures or other documents prepared, distributed or utilized by defendant to advertise or promote asbestos containing products during the 1930's through 1970's.

RESPONSE: This defendant maintains no central repository for the accumulation of the requested information in the ordinary course of business. Documents that have already been identified and gathered to respond to discovery requests in other litigation and that relate to products which plaintiff can establish are relevant to this litigation, will be made available for inspection at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

9. All medical articles, case reports, textbooks or other documents which relate to any "state-of-the-art" defense you will present.

RESPONSE: Objection. Overly broad and incapable of response.

10. A transcript (including exhibits) of each instance where an expert witness has testified in support of defendant's "state-of-the-art" defense in asbestos disease litigation.

RESPONSE: Objection. Overly broad and incapable of response.

11. All notes or reports of interview of any person having or claiming to have knowledge of the facts or circumstances of this cause.

RESPONSE: None.

12. All reports, notes, letters, memoranda, or other documents showing or purporting to show what Samuel Boldini was told about the relationship between asbestos dust and health.

RESPONSE: None.

13. All reports, notes, letters, memoranda, or other documents showing or purporting to show what Samuel Boldini knew about the relationship between asbestos dust and health.

RESPONSE: None.

14. All medical records of those present or former employees of defendant who have filed claims for worker's compensation or occupational disease benefits alleging an injury or disease from exposure to asbestos and all personnel and employment records which evidence or reflect the duration, quantity and quality of his or her exposure to asbestos while employed by defendant.

RESPONSE: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Request is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this defendant objects to this request to the extent it seeks information which is neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Further, this defendant objects to the production of confidential medical records of employees or former employees whose consent for such production has not been obtained. Finally, this defendant objects to this Request to the extent it seeks information which is protected from discovery by virtue of attorney client privilege or the attorney work product doctrine. Without waiving these objections, this defendant will make available to plaintiff for its inspection and review, workmen's compensation face sheets alleging asbestos related injuries, as noted on those face sheets.

15. Each written warning, caution or other document which was intended by defendant to reach those persons who could breathe or ingest the asbestos from asbestos containing

products manufactured and/or sold by defendant.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

16. A transcript (including exhibits) of each instance where an employee of defendant testified at deposition or trial in asbestos disease litigation.

RESPONSE: Objection. This Request is overly broad and unduly burdensome. Furthermore, as plaintiff's counsel is aware, this defendant has been involved in litigation regarding asbestos-containing products for a number of years, and a request for all transcripts appears calculated solely to harass this defendant.

17. A transcript (including exhibits) of each instance where an individual whom defendant listed, retained or called as an expert witness, testified at deposition or trial in asbestos disease litigation.

RESPONSE: Objection. This Request is overly broad, unduly burdensome and not calculated to produce relevant, admissible evidence to the extent that the Request pertains to "expert witnesses" who have not been retained in this case. With respect to expert witnesses retained for this case by this defendant, this defendant will provide all appropriate discovery in accordance with the Rules of Civil Procedure.

18. Defendant's last three annual reports.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

19. A list of the names, addresses and employers of each person involved or consulted in the preparation of your response to this Request.

RESPONSE: S. P. Bjorklund, Manager, Financial and Business Analysis of United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

20. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the maximum distance that an asbestos particle can travel through the air.

RESPONSE: Objection. This request is vague, ambiguous, overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, this request improperly assumes facts which are not in evidence and which are the issues in controversy in this lawsuit.

21. The results of all tests performed by the Saranac Laboratory at the direction of, or known to United States Gypsum Company.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made

available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

22. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the maximum time that an asbestos particle can remain airborne.

RESPONSE: See this defendant's response to Request Number 20.

23. The results of all tests performed by, at the direction of, or known to United States Gypsum Company regarding the minimum quantity of asbestos necessary to induce mesothelioma.

RESPONSE: Objection. This Request calls for a medical conclusion which no employee of this defendant is qualified to make. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

24. Each policy of insurance, including all excess and umbrella policies, which may be construed to provide coverage for the claim stated in the Complaint.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

25. All documents reflecting payments or agreements for payments made under any of the policies described in the preceding paragraph which the carrier claims or could claim as a full or partial exhaustion of the policy limits or otherwise affect the amount of coverage available in this case.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

26. Its original records (or if the originals are not available then the best available copies) of the following documents:

1. 01/27/48 Brown to companies
2. telex to ABEX re 05/22/79 meeting of CEOs of asbestos-producing companies
3. list of CEOs attending 05/22/79 asbestos producers meeting
4. 11/20/36 Saranac agreement
5. 1951 Vorwald, "Experimental Studies of Asbestosis"
6. 12/10/34 letter Brown to Lanza
7. 12/15/34 letter Hobart to Brown
8. 12/18/34 letter Brown to Judd
9. 12/21/34 letter Brown to Lanza
10. 12/24/34 letter Brown to Judd
11. 01/02/35 letter Judd to Brown
12. 09/25/35 letter "Asbestos" to Simpson
13. 10/01/35 letter Simpson to Brown
14. 10/03/35 letter Brown to Simpson
15. 11/20/36 letter Brown to Gardner
16. 11/23/36 letter Gardner to Brown
17. 12/04/36 letter Brown to Stover

18. 02/27/37 letter Brown to Simpson
19. 05/03/39 letter Brown to Simpson
20. 05/04/39 letter Simpson to Brown
21. 05/10/40 letter Brown to Simpson
22. 11/12/46 letter Brown to Bowditch
23. 02/24/43 Gardner to Brown with outline of proposed monograph
24. 05/07/52 first interim report on asbestosis and pulmonary cancer to QAMA
25. 10/27/48 Brown to sponsors
26. 03/31/51 Brown to sponsors
27. 11/12/48 Kelly to Brown
28. 11/12/48 Brown to Kelly
29. 11/16/48 Kelly to Brown
30. Agenda, 08/11/83 asbestos claims conference
31. 07/13/83 O-I letter re 07/22/83 asbestos CEO meeting
32. 08/03/83 McWeeny letter to Manville, follow up to 07/22/89 CEO meeting
33. List of seventh Saranac attendees
34. Program for Seventh Saranac Symposium
35. 11/05/85 Dr. Asher Yaguda letter to Arthur Mead re Gardiner Rainey
36. Fleischer-Drinker report
37. Dreessen report
38. Agenda for 06/91 TIMA meeting
39. Outline for proposed monograph on asbestosis

40. 08/04/47 Lynch to Vorwald
41. 08/01/47 Vorwald to Lynch
42. Unfinished Gardner report
43. 07/10/81 Castleman to VanDiver Brown
44. 3 pages edited from 1948 Vorwald draft
45. 09/48 Vorwald draft
46. 04/06/63 Lynch to Krieg
47. 04/16/63 Lynch to Krieg
48. 08/22/39 Buell to McConnell
49. 03/03/49 Brown to companies
50. 04/54 Pratt reading autopsy for Sabourin
51. 1947 Pratt reading autopsy for Sabourin
52. 10/12/48 Durkan to Woodard
53. 10/22/48 Brown to Muehleck
54. 06/01/48 Woodard to Vorwald
55. 11/30/48 Woodard to Gatke
56. 1993 Morton Corn letter
57. 06/11/51 Smith to McGaw
58. 01/11/71 Vyverberg to Saverstrom
59. NIMA pamphlet regarding asbestos
60. Minutes ACPA Health & Safety Council
61. 05/16/79 Manville memo regarding 05/22/79 asbestos CEO meeting

62. 07/19/83 agenda for 07/22/83 asbestos CEO meeting
63. 06/05/67 NIMA minutes
64. 10/10/67 NIMA minutes
65. 04/16/68 NIMA minutes
66. Saranac Laboratory to US gypsum vice president W. L. Keady: "Report of Dust Survey at National Asbestos Company Plant of United States Gypsum Company at Jersey City, NJ" by V. L. Gardner 05/25/36 - 06/02/36
67. 08/13/36 memorandum to W. L. Keady from General Service Manager regarding Dust Survey at Jersey City
68. All progress reports received from VanDiver Brown at Johns-Manville regarding Saranac asbestos experiments
69. 09/16/37 sales manager C. G. Scharwath letter about former assistant bookkeeper of old National Asbestos Company
70. 09/29/37 response to C. G. Scharwath letter by J. S. Offutt, Assistant to President
71. 10/08/37 note to price from Jersey City lawyer J. J. Cuneo
72. 10/28/37 Price reply to 10/08/37 note; 73. 1948 internal operations bulletin
74. 02/11/54 company bulletin: "Elimination of Dusty Conditions" Number 2-5
75. 06/08/50 letter from Ben Miriello with attached death certificate
76. 12/50 letter from Ben Miriello; 77. 12/27/50 reply to Ben Miriello
78. All materials from 09/19/67 meeting of the Gypsum Association
79. 07/23/73 memorandum to J. T. Allen, Jr. from C. M. Howard, Jr.: "Asbestos Pollution".

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

27. All statements, by parties in this case, which are oral, written or court reported, signed or unsigned, to some person or entity other than an attorney or insurer. *this is OCS r/p they gave to LC in native*

RESPONSE: Objection. Overly broad and incapable of response.

28. All business records and business documents of United States Gypsum Company, including, but not limited to, memoranda, reports, tests, correspondence and literature.

RESPONSE: Objection. This request is vague, ambiguous, overbroad and unduly burdensome. Additionally, this request is overbroad in scope of time. This defendant discontinued manufacturing products with asbestos as part of their formulations in 1977. Inquiries into years subsequent to 1977 will not lead to the discovery of admissible evidence. Further, this Request is overbroad in that it is not limited to asbestos, the focus of this litigation. Without waiving these objections, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time at this defendant's offices at 125 South Franklin Street, Chicago, IL.

29. All photographs, packaging, reports, labeling and samples pertaining to United States Gypsum Company asbestos containing products and asbestos packaging.

RESPONSE: Objection. This Request is overbroad and unduly burdensome in that it is not limited to those asbestos containing products manufactured by this defendant which plaintiffs can herein establish are relevant to this litigation. If plaintiffs can demonstrate which of this defendants's asbestos containing products they may have utilized, this defendant will make

available to plaintiff responsive, non-privileged documents relative to such products, to the extent they exist, at a mutually convenient time at its offices at 125 South Franklin Street, Chicago, IL.

30. All reports and documents relating to the testing or analysis of United States Gypsum Company products.

RESPONSE: Objection. This Request is overbroad in that it is not limited to testing concerning asbestos, the focus of this litigation. Without waiving this objection, and relating to testing concerning asbestos, the following is a brief description of nonprivileged testing regarding asbestos or asbestos-containing materials which has been conducted by, on behalf of or with assistance from this defendant. The documents involved speak for themselves regarding the specific tests. Non-privileged documents relating to the studies and reports referenced below will be made available for plaintiff's inspection. In addition, there are unauthenticated documents relating to Dr. Gardner's Saranac study which this defendant believes are in the possession of or available to plaintiff's counsel.

In an attempt to be responsive to interrogatories, the testing has been categorized and divided as follows:

A. Fiber Release

This defendant is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds in the early 1970's.

This defendant retained an expert, Dr. Morton Corn, to perform two studies, both in Illinois: the first, a study of the ceiling at this defendant's corporate headquarters in Chicago in 1982; the second, at the William A. Duguid Company in Des Plaines in 1984. Additionally, in

1983 there was testing performed by the Ontario Research Foundation with respect to the non-friability of this defendant's acoustical plaster, Audicote.

Tests were conducted for this defendant in 1965 by Boyle Engineering Laboratory on Firecode plaster for the purpose of determining surface erosion or dusting during high air velocity.

In 1984 the Ontario Research Foundation began a study that was intended to monitor the air during encapsulation to measure asbestos fiber levels. The study, however, was not completed. Also, in 1985, Dr. Morton Corn conducted a study at the William A. Duguid Company, the purpose of which was to determine whether asbestos fibers were released during the process of encapsulation. In 1985 This defendant conducted air sampling tests before, during and after encapsulation of acoustical plaster, not manufactured by this defendant, in the Yorkville, Illinois schools. Certain samples were taken from these schools, and certain testing was performed in 1987 on them by the Illinois Institute of Technology Research Institute (IITRI). IITRI's testing program was not completed.

B. Plant Dust Surveys

In the 1930's, Dr. Leroy U. Gardner of the Saranac Laboratories conducted investigations of this defendant's New Brighton and Oakfield, New York facilities. In addition, in 1936 this defendant retained Dr. Gardner to conduct an investigation of its Jersey City manufacturing plant, within months after its purchase. Beginning in the 1950's, surveys were conducted at various plants of this defendant. These involved studies of nuisance dusts, one of which was asbestos.

C. Research Reports

This defendant has undertaken research projects concerning various performance parameters of its products.

D. Doctor Gardner's Saranac Study

This defendant contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

E. Survey of Airborne Fibers

Clayton Environmental Consultants, Inc. was retained by this defendant in 1985 to conduct air sampling for asbestos at this defendant's building at 101 South Wacker Drive, Chicago, Illinois.

Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

31. Results from tissue samples sent to Saranac Laboratory in the early 1930's.

RESPONSE: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

32. Documents reflecting defendant's purchase of the National Asbestos Plant in Jersey City, NJ.

RESPONSE: Objection. This Request is overbroad in that it is not limited to asbestos, the focus of this litigation. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

33. Documents showing United States Gypsum Company as a member of the Asbestos Cement Products Association.

RESPONSE: Non-privileged, responsive documents, to the extent that exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

34. Documents pertaining to safety procedures and all other information or literature pertaining to asbestos containing products and asbestos related conditions, including but not limited to records, materials and information.

RESPONSE: Non-privileged, responsive documents, to the extent that exist, will be made available to plaintiffs at a mutually convenient time through this defendant's offices at 125 South Franklin Street, Chicago, IL.

35. An affidavit stating whether production is complete according to the knowledge of defendant and defendant's insurance carriers, attorneys, agents and employees.

RESPONSE: Objection. See Prefatory Statement. Without waiving this objection, non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U.S. Gypsum Company's offices at 125 South Franklin Street, Chicago, IL.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

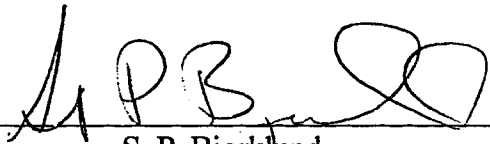
VERIFICATION

I, S. P. Bjorklund, declare:

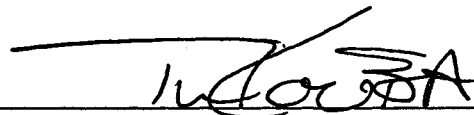
I am the Manager, Financial and Business Analysis, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said company;

I have read the foregoing Answers, Objections, and other Responses to Plaintiff's First Request For Production and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on 11/6/98 in Chicago, Illinois.


S. P. Bjorklund

Subscribed and sworn to before me
this 6TH day of NOVEMBER, 1998.


Notary Public



PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Box in Peoria, Illinois, on the 17 day of November, 1998.

Walker & Wylder, Ltd.
Attorneys at Law
207 W. Jefferson Street
P.O. Box 3455
Bloomington, IL 61702-3455


CHRISTOPHER P. LARSON