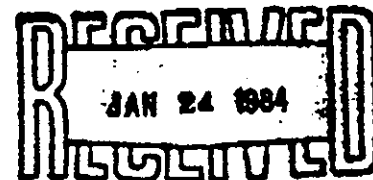


#59

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION



Lexington County School
District Five,

Plaintiff,

vs.

United States Gypsum Company,
Johns-Manville Corporation,
Johns-Manville Canada, Inc.,
and Johns-Manville Amiante
Canada, Inc.,

Defendants.

Civil Action No. 82-2072-0

DEFENDANT UNITED STATES
GYPSUM COMPANY'S RESPONSES
TO PLAINTIFF'S SUPPLEMENTAL
INTERROGATORIES TO DEFENDANT
UNITED STATES GYPSUM COMPANY

TO THE PLAINTIFF, LEXINGTON COUNTY SCHOOL DISTRICT FIVE, AND ITS
ATTORNEY, DANIEL A. SPEIGHTS, ESQUIRE:

1. List by brand name every product containing
asbestos which you have ever manufactured. As to each such
product, state the following:

(a) type of product (e.g., acoustical plaster,
fireproofing, etc.);

(b) the date the product first went into
production;

(c) the last date the product was produced;

(d) the last date the product was sold;

(e) all manufacturing locations;

(f) dates of manufacture at each location;

(g) the identity of each plant manager or works
manager and each quality control superintendent at each location
during said production, and the dates thereof;



(h) the identity of each physician, industrial hygienist, nurse, or medical or health officer at each location from the date the product was first manufactured there until the present, and the dates thereof;

(i) the percentage of asbestos, and the dates and all reasons for any modification thereto;

(j) the type of asbestos;

(k) the source of asbestos;

(l) the color, physical characteristic, and appearance of the product;

(m) a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color(s), and writings thereon;

(n) all other names under which the product was sold;

(o) the number and date of each patent or patent application as to the product;

(p) if the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and the date the product was first produced without the asbestos;

(q) if the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production;

(r) a precise description of your identifying logo or initials and the dates of inclusion on the product; and

(s) the identity of the custodian of actual containers or photographs of containers of the product.

RESPONSE: Objection. The only product allegedly at issue in this lawsuit is acoustical plaster. To the extent that this Interrogatory requests information about asbestos-containing products manufactured by this defendant other than acoustical plasters this defendant objects on the grounds it is unduly burdensome, would subject this defendant to undue expense, is not reasonably calculated to lead to the discovery of admissible evidence, and there is no limitation of times applicable to plaintiff.

Acoustical plasters manufactured and sold by this defendant were: Sabinite, Hi-Lite, Audicote.

(a) Acoustical plaster;

(b) Sabinite: approximately 1930;

Audicote: approximately 1955;

Hi-Lite: approximately 1955;

(c) Sabinite: unknown, but sales diminished substantially by the mid-1950's.

Audicote: approximately 1972;

Hi-Lite: approximately 1972;

(d) See (c);

(e) Sabinite: Port Dodge, Iowa; New Brighton, New York; Gypsum, Ohio; Midland, California; East Chicago, Indiana;

Audicote: New Brighton, New York; Fort Dodge, Iowa, Hagersville, Ontario, Canada (sales believed to be Canadian only and therefore this defendant objects to producing any further information with respect to this plant); Hi-Lite: New Brighton, New York; Fort Dodge, Iowa;

(f) See (b) and (c);

(g) Plant/Works Managers: Fort Dodge, Iowa:

F. J. Reinking 9/1/28-9/15/33, F. J. Stephens 9/16/33-12/31/35, P. W. Sinwell 1/1/36-2/15/37, R. D. Hess 2/16/37-9/5/46, M. E. King 9/23/46-6/30/48, W. W. Holloway 7/1/48-7/8/49, R. D. Rudolph 7/9/49 to 3/23/52, J. W. Beldsoe 3/24/52-10/15/52, M. E. Davidson 10/16/52-2/1/76, G. W. Kellogg 1/1/76-10/31/79, D. J. Nootens 11/1/79-8/31/81, H. D. Reimer 9/1/81-present. Gypsum, Ohio:

J. J. Kelley 7/16/29-9/18/30, R. D. Hess 9/19/30-3/31/32, B. W. Welty 4/1/32-2/6/39, F. J. Reinking 2/7/39-5/15/42, B. E. Welty 5/16/42-3/30/62, M. M. Fischer 4/1/62-9/12/76, R. J. Appleyard 9/13/76-present. East Chicago, Indiana: A. A. Frostdick 7/1/29-9/22/30, E. R. Hill 9/23/30-9/26/32, D. D. Wilson 9/27/32-11/4/37, P. S. Goen 11/5/37-7/31/39, R. W. Thomas 8/1/39-9/15/42, J. B. Hayford 9/16/42-1/27/44, R. W. Thomas 1944, J. W. Bostwick 3/15/44-11/28/48, A. R. Rump 11/29/48-3/23/52, H. I. Neeley 3/24/52-2/15/62, S. E. Martin 2/16/62-3/31/63, H. E. Keesen 4/1/63-1/31/82, N. E. Garceau 2/1/82-present. See

objection (e), above. The plants at New Brighton, New York, and Midland, California, are no longer in operation. Identifiable information on works managers is not maintained for plants no longer in operation by this defendant. Investigation continues.

There is no repository of historical information on Quality Control Superintendents. If any such individuals can be identified, the information will be supplied.

(h) This defendant has employed many individuals, largely to assist in work-related injuries at plants. To attempt to identify each such individual would be burdensome and is not reasonably calculated to lead to the discovery of admissible evidence, and USG objects on those grounds.

(i) Sabinite: 2.0-6.3%

Hi-Lite: 6.2-6.3%

Audicote: 6.95-26.24%

This variation is usually reflective of formula changes relating to working properties.

(j) Chrysotile;

(k) The following are known to have been approved suppliers of asbestos: Canadian Johns-Manville, Lake Asbestos of Quebec, Nicolet Industries, Carey-Canadian and Asbestos Corporation. Investigation continues. This defendant has located no documentation to ascertain from whom asbestos was purchased and actually used in the manufacture of Sabinite, Hi-Lite or Audicote.

(l) Grayish-white;

(m) Audicote was packaged in 35- and 40-pound paper bags printed with product and Company name and directions for application. Various bag sizes were 19" X 3" X 40-41"; and 21 1/4-22" X 35-3/4 to 42".

Hi-Lite and its precursor, Red Top Acoustical Plaster were packaged in 40-pound paper bags printed with product and Company name and directions for application. Bag size was 18" X 3" X 37".

Sabinite was packaged in 33-, 50-, 54-, and 100-pound paper bags printed with product and Company name and directions for application. Various bag sizes were 18" X 3" X 35" to 37½" and 21" X 36" to 39".

(n) None. However, there may have been a product known as Red Top Acoustical Plaster, which later became Hi-Lite. It is presently unknown whether any material under this name was commercially produced.

(o) None

(p) Not applicable.

(q) Low profitability. Decision not made by a single individual and cannot even definitively be traced to a specific group of individuals. Decisions relating to profitability and product retention are made with input from many groups within the company. No replacement product.

(r) Identifying logo may be examined in literature produced in response and Supplemental Response to Plaintiff's Request to Produce No. 7 and Plaintiff's First Set of Interrogatories, No. 22(c). It consists of the letters "US" in upper case with a lower case "g" centered immediately below. This defendant believes this logo was used throughout the time period that these products were manufactured and sold by this defendant.

(s) S. K. Torrey, Senior Attorney - Litigation,
101 South Wacker Drive, Chicago, Illinois 60606.

2. List by brand name every other product containing asbestos which you have ever distributed or sold. As to each such product, provide the information requested in the preceding Interrogatory.

RESPONSE: See objection to Supplemental Interrogatory No. 1.

3. State the following with respect to each asbestos construction product ever manufactured or distributed by you:

(a) All reasons why asbestos was used as an ingredient;

(b) All other materials which could have performed the same function in a satisfactory manner;

(c) The verbatim content of each warranty or guarantee applicable to the performance or safety of the product, and the applicable dates of each.

RESPONSE: See objection to Supplemental Interrogatory No. 1. In addition, this defendant objects generally to the phrases "asbestos products" and "asbestos ceiling plasters" as used in these Interrogatories on the grounds that are undefined and vague terms. This defendant does not now nor has it ever manufactured asbestos products and asbestos ceiling plasters as this defendant understands those terms. Without waiving these objections:

(a) Asbestos was used in acoustical plasters to improve "slip" and working properties;

(b) None;

(c) Without admitting the legal sufficiency thereof, to the extent such an express warranty or guarantee exists, it is contained in literature produced in Response and Supplemental Response to Plaintiff's Request to Produce No. 7 and Plaintiff's First Set of Interrogatories No. 22(c). No other express warranty or guarantee was issued with these products in the routine course of business.

4. Have you or anyone acting on your behalf ever conducted any research, testing, study or analysis pertaining to the quality and/or performance of your asbestos construction products to determine the effect of water damage, mold, rust, condensation, wind, impact, vandalism, aging, and other forms of wear, tear and abrasion on the quality or performance and/or field success or failure of such products? If so, state the following:

(a) a full description of all research, testing, studies, or analysis undertaken;

(b) the names, present addresses, and employment titles of all persons who participated in any such research, tests, studies, or analyses;

(c) the dates on which all such research, tests, studies, or analyses were conducted;

(d) the results or conclusions reached as a result of such research, tests, studies or analyses;

(e) any design changes made in your products as a result of such research, tests, studies, or analyses;

(f) any instructions, directions, or other information provided to building owners or occupiers as a result of such research, tests, studies or analyses.

RESPONSE: See objections to Supplemental Interrogatory Nos. 1 and 3. Without waiving these objections, this defendant has undertaken research projects concerning various performance parameters of the acoustical plasters identified in Response to Supplemental Interrogatory No. 1. Documents responsive to this Interrogatory, if any, concerning the acoustical plasters identified in Response to Supplemental Interrogatory No. 1 will be made available for inspection and copying at a mutually convenient time at 101 South Wacker Drive, Chicago, Illinois. This defendant will seek an appropriate protective order from the court (or stipulation among counsel) concerning dissemination of the information contained in the documents and no documents will be produced prior to the court's ruling on the motion. "Hard copies" of these documents must be made from microfilm, in which these documents are not segregated from documents relating to all other products which may have been the subject of research. Therefore, this defendant will need considerable advance notice in order to make documents available for inspection and any costs associated with said production to be borne by the party requesting same. Such documents will be tendered pursuant to Rule 33(c).

5. Please state whether you or anyone acting on your behalf ever conducted any research, testing or studies of any kind to determine whether any of your construction products posed

any hazards or dangers to the health or safety of those persons who would utilize, inhabit, or otherwise occupy buildings or structures in which those products had been applied. If so, set forth in detail;

(a) a full description of all research, testing or studies undertaken to determine whether said products were safe for such persons;

(b) the identity of all persons who participated in any such research, tests or studies;

(c) the dates on which all such research, tests, or studies were conducted;

(d) the results or conclusions reached as a result of such research, tests, or studies;

(e) any design changes made in your products as a result of such studies;

(f) any corrective measures made by you such as enclosure, removal, abatement, operation and maintenance planning or cleaning as a result of such studies;

(g) the identity of all documents that in any way relate to the conduct of any such research, testing or studies or the results thereof, and the identity of the person who has custody thereof.

RESPONSE: See Objections to Supplemental Interrogatory Nos. 1, and 3. Without waiving these objections, yes, with respect to Audicote Acoustical Plaster.

(a) Air sampling to determine whether asbestos fibers were released and remained suspended in air during attempts to physically mar the Audicote Acoustical Plaster ceiling.

(b) J. J. Fater, NATLSCO, Manager, Industrial Hygiene; Dr. Morton Corn, Morton Corn & Associates; J. S. Gorski, NATLSCO, Industrial Hygienist/Ventilation; P. Landsman, Wolfe, Rosenberg (stenographic transcription); F. Rosenberg, Wolfe, Rosenberg (supervisor of videotaping); R. P. Brown, Morgan, Lewis & Bockius; S. K. Torrey, USG, Senior Attorney - Litigation; T. S. Snell, USG, Vice President, General Counsel; J. D. Cornell, USG, Manager, Corporate Occupational Safety & Health; S. H. Berning, USG, Safety Manager; J. F. Hernan, USG, Manager, Corporate Quality Assurance; P. Hughes, USG, unknown, but similar to Communications Manager; J. Reich, USG, Supervisor Engineering Adv./Comm.; M. Thibeau, USG, Assistant Producer Adv./Comm.; R. Gilkinson, USG, Video Engineer; J. A. Wronski, NATLSCO, Manager, Environmental Sciences Laboratory; G. J. Krafcsin, NATLSCO, Vice President, Health Services; J. N. Garis, NATLSCO, Manager, Industrial Hygiene.

(c) March 25-26, 1982. Analysis of filters occurred subsequently.

(d) No asbestos fibers were released from Audicote Acoustical Plaster in this test.

(e) Not applicable.

(f) Not applicable.

(g) NATLSCO: Acoustical Plaster Study For U.S. Gypsum by Joseph J. Fater, Manager, Industrial Hygiene. NATLSCO and counsel for defendant.

6. State the following with respect to the sale of asbestos construction products during the entire period such products were manufactured or distributed by you:

(a) the name and description of the sales region or regions for the sale of construction products, including all modifications thereto, which included or serviced this state, and the dates thereof;

(b) the address of each sales office located in said sales region or regions, and the dates thereof;

(c) the identity of each sales person who sold construction products in this state, and the dates thereof;

(d) the identity of all authorized dealers in this state or any contiguous state, and the dates thereof;

(e) the identity of all documents which refer, reflect, or relate to the sale, distribution or shipment of asbestos construction products within said region or regions, including, but not limited to, all sales records, invoices, computer printouts, bills of lading, freight bills, shipping orders, or other documents of transfer, and the identity of the person or persons who have the custody thereof;

(f) the gross annual sales in dollars and in volume for each asbestos construction product in said sales region or regions.

RESPONSE: See Objections to Supplemental Interrogatory Nos. 1 and 3. This defendant objects further on the grounds that this Interrogatory is not limited to plaintiff's geographical area. Without waiving these objections:

(a) Southern Construction Products Division and its predecessor, Southern Division.

(b) This defendant has never maintained any sales office in South Carolina.

(c) G. Keller	1930's-1970
E. R. Grubb	1959-1970
J. J. O'Malley	1948-present
G. MacBain	1964-present
F. R. Mullin	1956-present
J. R. Parnell	1959-present
W. E. Tarpley	1966-present

(d) The following dealers in South Carolina have been identified. Not all have necessarily ordered and sold this defendant's acoustical plasters.

Lowe's, Inc.

Wicke's Lumber Co.

Columbia Lumber Co.

Central Roofing & Supply

Bagnell Building Supply

Frank Ulmer Lbr. Co.

C. L. Cannon & Sons

GBS Lumber Co.

Citizens Builder Mart

Builders' Wholesale Supply

Circle Lumber Co.

Spartanburg Lumber and Mill Work Co.

Neely Wholesale Supply Co.

Ken Supply Co.

Roebuck Lbr. Co.

Berry Builders' mart

Clement Lbr. Co.

Macco Building Supplies

Brown, Rogers & Dixon

Wholesale Distributors Co.

Taylor's Lumber Co.

Greer Lumber Co.

Greer Builders' Supply Co.

Cromer & Sullivan

Holman Co.

Drywall & Contracting, Inc.

Central Concrete & Plaster, Inc.

Stewart Lbr. Co.

Clempson Lbr. Co.

Snead Bldrs. Supply Co.

V. E. Edwards Co.

S. S. Smith Lbr. Co.

Tryon Lbr. Co.

Fountain Lbr. Co.

Quality Bldrs. Supply Co.

Shaw Lumber Co.

Dealers Wholesale, Inc.
Myrtle Beach Lumber Co.
Camden Building Supply
Miller Lumber Co.
Economy Builders' Supply
Martin Paint & Supply
City Builders' Service
Todd Lumber Co.
Catawba Lumber Co.
Ace Builders' Hdwe.
Porter-Bell Lumber Co.
Builders' Supply Co.
McBride Builders' Supply

(e) This defendant has no sales records for the years prior to 1965. Without waiving the objections set forth in Response to Supplemental Interrogatory No. 1, such records as it has for acoustical plasters for the period from 1965 forward are contained in computer print-outs which have been produced to plaintiff's counsel in Richland County School District One v. Johns-Manville Sales Corporation, et al.

(f) See Response to (e) above.

7. Identify all sales literature including brochures, advertisements, pamphlets or other material pertaining to each asbestos construction product ever manufactured or distributed by you.

RESPONSE: See objections to Supplemental Interrogatory Nos. 1 and 3. Without waiving these objections, documents

responsive to this Interrogatory have been produced in response to Plaintiff's Request to Produce No. 7 and Plaintiff's First Set of Interrogatories No. 22(c).

8. Identify any instructions, directions, technical bulletins, material data sheets, or other documents provided to distributors, contractors, supply houses, sales persons, or building owners pertaining to the application, maintenance, or repair of each asbestos construction product ever manufactured or distributed by you.

RESPONSE: See Response to Supplemental Interrogatory No. 7.

9. Identify all sources of raw asbestos fiber beginning in 1946 and going to date, on a yearly basis, and with respect to each, the annual gross dollar amount and gross weight of asbestos fiber purchased.

RESPONSE: See Response to Supplemental Interrogatory No. 1(k). Investigation continues as to the annual gross dollar amount and gross weight of asbestos fiber purchased.

10. Identify all warnings, cautions, caveats, instructions, or directions accompanying raw asbestos fiber purchased by you and the dates thereof.

RESPONSE: See Response to Supplemental Interrogatory No. 1(k). This defendant has located no documentation to ascertain from whom asbestos was purchased, however, this defendant is now aware that warnings were given by Johns-Manville, which is not a party to this case, with shipments of raw asbestos beginning in the mid-1950's.

11. State the following with respect to asbestosis:

(a) the date you first heard it alleged that there is a causal connection between asbestosis and the inhalation of asbestos, the identity of the person and/or document that was the source of such allegation, the identity of the person who received such information, and the identity of all documents generated as a result of the receipt of such information;

(b) the date you first recognized that there is a causal connection between asbestosis and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of such recognition;

(c) as to each type of asbestos fiber contained in your asbestos products, the minimum dose you contend is sufficient to cause or contribute to such condition for a smoker and for a non-smoker.

RESPONSE:

(a) 1975. Litigation filed against this defendant. Various individuals may have read material in the popular press in the late 1960's.

(b) Objection. This Interrogatory calls for a medical conclusion, and has been or will be the subject of medical expert testimony. This defendant recognizes that OSHA, in 1972, adopted regulations concerning exposure to asbestos in the workplace as a result of its presumed recognition of a causal connection between the inhalation of asbestos and the

disease asbestosis. No employee of this defendant is qualified in the area of occupational medicine.

(c) See objections to Supplemental Interrogatory Nos. 3 and 11(b). This defendant objects further that this Interrogatory calls for a medical conclusion. This will be the subject of expert medical testimony. See, e.g., depositions of the following expert witnesses taken by plaintiff's counsel herein in connection with Lexington County School District Five v. United States Gypsum Company, et al., District of South Carolina, Action No. 82-2072-0: Ian T. T. Higgins, deposed October 19, 1983; Hans Weill, deposed January 5, 1984; and John E. Craighead, deposed January 7, 1984.

12. State the following with respect to lung cancer:

(a) the date you first heard it alleged that there is a causal connection between lung cancer and the inhalation of asbestos, the identity of the person and/or document that was the source of such allegation, the identity of the person who received such information, and the identity of all documents generated as a result of the receipt of such information;

(b) the date you first recognized that there is a causal connection between lung cancer and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of such recognition;

(c) as to each type of asbestos fiber contained in your asbestos products, the minimum dose you contend is

sufficient to cause or contribute to such condition for a smoker and for a non-smoker.

RESPONSE:

(a) Late 1970's. Litigation filed against this defendant.

(b) Objection. This Interrogatory calls for a medical conclusion and has been or will be the subject of medical expert testimony. This defendant recognizes that OSHA, in 1972, adopted regulations concerning exposure to asbestos in the workplace as a result of its presumed recognition of a causal connection between the inhalation of asbestos and lung cancer. No employee of this defendant is qualified in the area of occupational medicine.

(c) See Objections to Supplemental Interrogatory Nos. 3 and 11(b). This defendant objects further that this Interrogatory calls for a medical conclusion. This will be the subject of expert medical testimony. See, e.g., depositions of the following expert witnesses taken by plaintiff's counsel herein in connection with Lexington County School District Five v. United States Gypsum Company, et al., District of South Carolina, Action No. 82-2072-0: Ian T. T. Higgins, deposed October 19, 1983; Hans Weill, deposed January 5, 1984; and John E. Craighead, deposed January 7, 1984.

13. State the following with respect to mesothelioma:

(a) the date you first heard it alleged that there is a causal connection between mesothelioma and the inhalation of asbestos, the identity of the person and/or document that

was the source of such allegation, the identity of the person who received such information, and the identity of all documents generated as a result of the receipt of such information;

(b) the date you first recognized that there is a causal connection between mesothelioma and the inhalation of asbestos, the identity of all persons or documents upon which you relied in arriving at that conclusion, and the identity of all documents generated as a result of such recognition;

(c) as to each type of asbestos fiber contained in your asbestos products, the minimum dose you contend is sufficient to cause or contribute to such condition for a smoker and for a non-smoker.

RESPONSE:

(a) Late 1970's or around 1980. Litigation filed against this defendant.

(b) Objection. This Interrogatory calls for a medical conclusion and has been or will be the subject of medical expert testimony. This defendant recognizes that OSHA, in 1972, adopted regulations concerning exposure to asbestos in the workplace as a result of its presumed recognition of a causal connection between the inhalation of asbestos and mesothelioma. No employee of this defendant is qualified in the area of occupational medicine.

(c) See Objections to Supplemental Interrogatory Nos. 3 and 11(b). This defendant objects further that this Interrogatory calls for a medical conclusion. This will be the subject of expert medical testimony. See, e.g., depositions of

the following expert witnesses taken by plaintiff's counsel herein in connection with Lexington County School District Five v. United States Gypsum Company, et al., District of South Carolina, Action No. 82-2072-0: Ian T. T. Higgins, deposed October 19, 1983; Hans Weill, deposed January 5, 1984; and John E. Craighead, deposed January 7, 1984.

14. List each notice, claim, allegation, or statement that you have ever received that an injury or disease resulted from exposure to or use of any asbestos or any asbestos product manufactured or distributed by you, and with respect to each, state the following:

- (a) the name and address of each claimant;
- (b) the date of the notice of each claim;
- (c) a description of the claim (e.g. workmen's compensation, third party liability action, disability insurance claim, complaint letter, etc.);
- (d) the type of injury or disease allegedly sustained;
- (e) the name and address of the attorney, if any, who represented the individual making the claim;
- (f) where applicable, the style and court number or other designation of the claim;
- (g) the resolution of each claim that has been disposed of;
- (h) the identity of the custodian of all records that relate to the claim.

RESPONSE: (a) through (g) See Objection to Supplemental Interrogatory No. 3. In addition, this defendant objects on the grounds that the records are irrelevant and would lead to no admissible evidence about acoustical plaster in schools. The Interrogatory has no applicable time frames, is overly broad and is insufficiently precise in designation of the information sought. This defendant objects further on the ground of privilege and that the listing of the information would be unduly burdensome.

(h) S. K. Torrey and/or Dorothy Littlejohn, Supervisor of Files.

15. List each notice, claim, allegation, or statement that you have received from or on behalf of a building owner or occupier that a potential or actual health hazard existed because of the existence of an asbestos product therein. As to each, provide the information requested in the preceding Interrogatory.

RESPONSE: To the extent that any such documents relate to acoustical plaster, documents responsive to this Interrogatory will be made available for inspection and copying at a mutually agreeable time at 101 South Wacker Drive, Chicago, Illinois 60606.

16. Identify all internal documents of this Defendant where the potential health effects of asbestos have been discussed, including, but not limited to, minutes of product safety, health, industrial hygiene, or other committees; records relating to any decision to include or exclude asbestos from any product; records relating to any proposed warning, caution or instruction for placement of asbestos-containing products;

medical, health or industrial hygiene reports; records or reports concerning any proposed or actual surveillance program; and documents or memoranda reporting on seminars, medical literature, newspaper articles, litigation, or meetings with members of the medical or health community, or other members of industry or insurance representatives.

RESPONSE: See Objection to Supplemental Interrogatory No. 1. This Interrogatory is overbroad in that it is not limited to plaintiff's geographical area, nor to the product at issue with regard to this defendant. The review of all defendant's documents answering the descriptions in this Interrogatory for mention of asbestos would be so time-consuming as to be unduly burdensome and unreasonable. Without waiving these objections, to the best of this defendant's knowledge, documents responsive to this Request were produced in Response to Plaintiff's First Set of Interrogatories, No. 22(c). Investigation continues. (5)

17. Identify all documents, reports, or communications received by this Defendant any workmen's compensation insurance carrier or products liability insurance carrier pertaining to the alleged hazards of asbestos or of asbestos products.

RESPONSE: None of which this defendant is currently aware.

18. Identify all documents, reports or communications received by this Defendant from any supplier or raw asbestos or any other manufacturer or distributor of asbestos products pertaining to the alleged hazards of asbestos or asbestos products.

RESPONSE: See Objection to Supplemental Interrogatory No. 3. Without waiving this objection, this defendant is now aware that warnings were given by Johns-Manville, which is not a party to this case, with shipments of raw asbestos beginning in the mid-1960's, however, it is not currently aware of when its employees or agents first became aware of these warnings.

This defendant is currently aware of no warnings regarding asbestos placed on any acoustical plaster product.

19. Identify all other documents received by this Defendant where the potential health effects of asbestos have been discussed, including, but not limited to, medical literature, health or industrial hygiene reports, newspaper articles, periodicals, books, communications with health facilities, communications with insurance carriers, communications with other manufacturers or distributors, seminar literature, trade association documents, or reports of any tests, studies or surveillance programs.

RESPONSE: See Objection to Supplemental Interrogatory No. 1. This Interrogatory is overbroad in that it is not limited to plaintiff's geographical area, nor to the product at issue with regard to this defendant. The review of all defendant's documents answering the descriptions in this Interrogatory for mention of asbestos would be so time-consuming as to be unduly burdensome and unreasonable.

20. Did you ever conduct any dust studies of any of your asbestos product manufacturing facilities and/or any dust

studies relating to the actual use of your product? If so, with respect to each:

- (a) identify the person or entity who conducted the study and the dates thereof;
- (b) state the complete results of each study;
- (c) identify all documents that refer, reflect, or relate to the study, and the person who has custody thereof;
- (d) explain all actions taken as a result of the study.

RESPONSE: See Objections to Supplemental Interrogatory Nos. 1 and 3. Without waiving this objection, none of which this defendant is currently aware relating to acoustical plasters. There was no "actual use" of acoustical plasters in this defendant's manufacturing facilities.

21. Have you or anyone on your behalf ever conducted, sponsored or contributed financially to any tests, studies or research pertaining to the health consequences of asbestos or asbestos products. If so, with respect to each:

- (a) identify the person or entity who conducted the test, study or research, and the dates thereof;
- (b) state the complete results of each test or study;
- (c) identify all documents that refer, reflect or relate to the test or study, and the person who has custody thereof;
- (d) explain all actions taken as a result of the test, study or research.

RESPONSE: None of which this defendant is currently aware, however, this defendant is aware through documents produced in other litigation that it may have contributed to a study conducted in approximately 1936 "concerning asbestos or asbestos-related diseases" by Dr. LeRoy Gardner of the Saranac Labs. However, no information or documents have been located in this defendant's files concerning the nature or extent of its participation, if any. See Objections to Supplemental Interrogatory Nos. 1 and 3.

22. Did anyone ever make any recommendations and/or suggestions to you pertaining to the alleged risks and hazards associated with the manufacturing or use of products containing asbestos? If so, with respect to each recommendation or suggestion, state the following:

- (a) the identity of the person who made the recommendation or suggestion, and the date thereof;
- (b) the identity of the person to whom the recommendation or suggestion was made.
- (c) the substance of the recommendation or suggestion;
- (d) explain all actions taken as the result of the recommendation or suggestion.

RESPONSE: See Objections to Supplemental Interrogatory No. 1. Without waiving this objection, none of which this defendant is currently aware concerning the manufacture of acoustical plasters.

23. Identify any medical examination or surveillance programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and/or asbestos products. With respect to each such program, please state:

(a) the location or locations where such program was in effect;

(b) the manner of communicating with employees about such program;

(c) whether examination was mandatory or optional;

(d) the percentage of workers permitted to undergo such examination and the percentage of workers who actually participated;

(e) the identity of each worker who was found to have asbestosis, lung cancer, mesothelioma, lung abnormalities.

(f) the identity of the person most knowledgeable about the program;

(g) the identity of all documents relating to the program, and the person who has custody thereof.

RESPONSE: See Objections to Supplemental Interrogatory Nos. 1 and 3. An annual X-ray program for those employees of this defendant regularly exposed to dust, including, but not limited to asbestos in the course of employment was instituted in 1959.

(a) It is not known which plants participated.

(b) Unknown for earlier years. Since 1971, via personnel supervisor.

(c) Mandatory.

(d) This defendant has no data regarding the number of employees who participated.

(e) To this defendant's best knowledge, no employee of this defendant has been found to have asbestosis, mesothelioma, or bronchogenic carcinoma through participation in this program.

(f) J. D. Cornell, Manager, Corporate Occupational Safety & Health.

(g) Internal Bulletins dated 1959-1983. R. E. Clark, Supervisor, Manual Systems.

24. Identify all trade organizations, associations or other entities to which you or your representative have ever been a member of or participated in, including but not limited to Asbestos Textile Industry, Industrial Health Foundation, NIMA, Asbestos Information Association, NICA, TIMA, Quebec Asbestos Mining Association, PICA, QAPA, Asbestos Cement Producers Association, Asbestos Information Association of North America, Gypsum Association, National Safety Council, Mineral Fibers Products Bureau, Sprayed Mineral Fiber Manufacturers Association. With respect to each, state the following:

(a) Identify all persons attending any meetings on your behalf, and the years of attendance.

(b) Identify all documents submitted by you or your representative relating to asbestos or any occupational disease.

(c) Identify all documents received by you or your representative relating to asbestos or any occupational disease.

RESPONSE: See Objection to Supplemental Interrogatory No. 1. Without waiving this objection, this defendant was a member of no trade association of which it is aware which was concerned either solely or principally with acoustical plaster products. Of the associations listed in this Interrogatory this defendant has been a member of IHF and TIMA since 1974 and has been a member of NIMA and NICA, but exact dates of membership are unknown. This defendant has been and is currently a member of the Gypsum Association since 1914 and the National Safety Council (dates unknown, investigation continues).

(a) TIMA - J. D. Cornell, M. R. Helton (1974); NICA - J. W. Jaeger; IHF - J. D. Cornell, S. H. Berning, and K. S. Freeman; Gypsum Association - J. D. Cornell, J. C. Edwards, C. P. Kipp, G. Krug, E. Beuthin, W. W. Holloway, V. Noble, R. P. Entz (1960-1981), J. M. Crumbaugh (1971-present), W. Veschuroff, J. A. Robertson (1947-?), R. L. Selbe (?-1971); National Safety Council - unknown, investigation continues.

(b)-(c) This defendant is not specifically aware of any documents relating to asbestos or any occupational disease submitted or received by this defendant or its representative.

This defendant has received the Industrial Hygiene Digest since 1978 which may contain such references.

25. Explain in detail the best method for determining the airborne concentration of asbestos fibers.

RESPONSE: Through the use of recognized air sampling techniques, e.g., NIOSH and further analysis to determine presence of asbestos, e.g., electron microscopy.

26. State the following with respect to buildings owned or occupied by you:

(a) the identity of all facilities where the products Audicote, Hilite, Firecode, and Imperial Q.T. have been placed since 1950.

(b) the identity of all facilities where the products referred to in No. 26(a) above have been removed since 1965, and all reasons therefor.

(c) the identity of all facilities where the products referred to in No. 26(a) above have been encapsulated since 1965, and all reasons therefor.

(d) the identity of all facilities where samples of any asbestos product have been taken for analysis, the identity of all documents generated thereby, and the identity of the person who has custody of such documents.

(e) the identity of all facilities where air samples have been taken to determine the concentration of airborne asbestos, the identity of all documents generated closeby, and the identity of the person who has custody of such documents.

RESPONSE:

(a) Audicote Acoustical Plaster is known to be in this defendant's offices located at 101 South Wacker Drive, Chicago, Illinois.

(b) The material referred to in (a) above is still in place.

(c) The Audicote Acoustical plaster ceilings may have been painted in connection with ordinary interior decoration, but not for the purpose of encapsulating the material to prevent the release of asbestos fibers.

(d) See Responses to Supplemental Interrogatory Nos. 5, 20 and 26(a). S. K. Torrey.

(e) See Responses to Supplemental Interrogatory Nos. 5, 20 and 26(a).

27. For all documents gathered in response to each of Plaintiff's Request for Production of Documents, please state the following:

(a) the names and addresses of all persons involved in the gathering of documents in response to Plaintiff's Request for Production of Documents.

(b) a description of said involvement of each person named above.

(c) the sources of all sales records provided in response to each of Plaintiff's Request for Production of Documents.

RESPONSE:

(a) The documents provided in Response to Plaintiffs Request for Production of Documents have been compiled over a period of several years by a number of different employees. It would be impossible for this defendant to identify each individual who has been involved.

(b) See Response to Supplemental Interrogatory No. 27(a).

(c) The original source of the information previously supplied to plaintiff relating to sales of acoustical plaster in South Carolina were invoices. These invoices are no longer maintained in the ordinary course of business of this defendant. However, information previously contained in the invoice is maintained in a computer data base. This data base was used to generate the information previously supplied to plaintiff and which comprises the print-out of sales shipped to South Carolina previously supplied the plaintiff's counsel herein in connection with Richland County School District One v. W. R. Grace Company, et al.

ROBINSON, MCAFDDEN, MOORE, POPE,
WILLIAMS, TAYLOR & BRAILSFORD, P.A.

By Frank R. Ellerbe, III
Frank R. Ellerbe, III
P. O. Box 944
Columbia, SC 29202
803-779-8900

Columbia, South Carolina

23rd day of January, 1984

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, JOHN F. HERNAN, declare:

I am the Manager, Corporate Quality Assurance, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said corporation;

I have read the foregoing Answers, Objections and Other Responses to Plaintiff's Supplemental 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 January 18, 1984, in Chicago, Illinois.



John F. Hernan

Subscribed and sworn to before me
this 18th day of January, 1984.



Mary D. Merrill
Notary Public

CERTIFICATE OF MAILING

This is to certify that I, Christine L. Charette, secretary with the firm of Robinson, McFadden, Moore, Pope, Williams, Taylor & Brailsford, P.A., have this date served Daniel A. Speights, attorney for the plaintiff in the foregoing matter with defendant United States Gypsum Company's Responses to Plaintiff's Supplemental Interrogatories to Defendant United States Gypsum Company by placing a copy of same in the United States mail with adequate postage thereon, addressed as follows:

Daniel A. Speights, Esquire
P. O. Box 621
Hampton, SC 29924

Dated at Columbia, South Carolina this 23rd day of
January, 1984.

ROBINSON, MCFADDEN, MOORE, POPE,
WILLIAMS, TAYLOR & BRAILSFORD, P.A.

By Christine L. Charette