

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

GREENVILLE COUNTY SCHOOL DISTRICT,)
)
Plaintiff,) SPECIAL INTERROGATORY TO
) DEFENDANT UNITED STATES
vs.) GYP SUM COMPANY
)
UNITED STATES GYPSUM COMPANY,) C/A NO. 82-3142-14
W. R. GRACE COMPANY, NATIONAL)
GYPSUM COMPANY, PROKO INDUSTRIES,)
INC., UNION CARBIDE CORPORATION,)
and CAREY-CANADA, INC.,)
)
Defendants.)

TO: THE DEFENDANT, UNITED STATES GYPSUM COMPANY AND ITS
ATTORNEY, FRANK R. ELLERBE, III, ESQUIRE:

YOU WILL PLEASE TAKE NOTICE that pursuant to the
Federal Rules of Civil Procedure you are hereby directed to file
Answers to the following Interrogatories within thirty (30) days
of service hereof unless further extension is granted by the
Court. These Interrogatories shall be deemed continuing so as
to require supplemental answers a reasonable time prior to trial
if additional information with respect to these Interrogatories
is obtained by you or your counsel.

In regard to your response to "Notice" Interrogatory
question posed by the Honorable William W. Wilkins, dated Februar
15, 1983, state the following with respect to each document
listed therein:

- (a) The name of the person who located the document;
- (b) The date the document was first located;
- (c) The precise location of the document when it was
located;

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SEP. EX. NO. 13
FOR ID. 13 OF 7-24-86



(d) A description of the file in which the document
had been maintained;

(e) The custodian of the document at the time it was
located.

DAVID B. WARD
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By: Daniel A. Speights
DANIEL A. SPEIGHTS U

ATTORNEYS FOR PLAINTIFF

Hampton, South Carolina
March 1, 1984



STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

AFFIDAVIT OF SERVICE BY MAIL

Re: Greenville County School District v. United
States Gypsum Company, et al.

PERSONALLY APPEARED before me Rhonda L. Bowers,
who, being duly sworn, deposes and says: that she is employed
as a legal secretary in the office of Daniel A. Speights,
Esquire, attorney for the Plaintiff in the above-referenced
action; that she served the foregoing Plaintiff's Special
Interrogatory to Defendant United States Gypsum Company, this
1st day of March, 1984, by personally depositing in a United
States Postal Service mail box a copy of the same, postage
prepaid, addressed to the attorney as indicated below:

Frank R. Ellerbe, III, Esquire
Post Office Box 944
Columbia, South Carolina 29202

Rhonda L. Bowers
RHONDA L. BOWERS

SWORN TO before me this
1st day of March, 1984.

Susan S. Muddaugh (L.S.)
Notary Public for South Carolina
My Commission Expires: May 1, 1985



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

Greenville County School District,)
Plaintiff,)

C/A No. 82-3142-14

vs.)

United States Gypsum Company,)
W. R. Grace Company, National)
Gypsum Company, Proko Industries,)
Inc., Union Carbide Corporation,)
and Carey-Canada, Inc.,)

DEFENDANT UNITED STATES
GYPSUM COMPANY'S RESPONSE
TO SPECIAL INTERROGATORY
PROPOSED BY PLAINTIFF

Defendants.)

United States Gypsum Company (hereinafter "USG"),

responds to the special interrogatory proposed by the plaintiff
as follows:

The Order entered by this Court, was far broader than
discovery previously responded to by this defendant. Because of
its breadth, this defendant was required to seek to determine the
existence of files not previously known to exist and to search
through many files not previously reviewed. This explains the
production of the documents herein which this defendant believes
did not fall within plaintiff's previous discovery requests.

The existence of a box containing the following
documents was determined by (a) Donna Woodruff, USG paralegal, on
(b) approximately January/February, 1980. This box (c) was
clearly marked as pertaining solely to silicosis in the USG
corporate files storage facility located at 101 South Wacker
Drive. The file within which the documents were located was (d)

PLAINTIFF'S
EXHIBIT

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a box of Insurance Department papers, specifically entitled "Misc. Workmen's Compensation Data - Silicosis Cases." The custodian of the documents at the time they were located was (e) Dorothy Littlejohn, files. Because this box was clearly labeled "silicosis" they were never reviewed in detail for information relating to asbestos until this defendant undertook a more extensive review of documents in order to comply as fully as possible with Judge Wilkins' Order and therefore included this box in its search.

"Report on Effect of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry," E.R. Merewether, M.D., and C.W. Price. (Printed report);

"A Review of Pneumoconiosis; Further Roentgenological and Pathological Studies" by H.K. Pancoast, M.D. and E.P. Pendergrass M.D.; reprinted from the American Journal of Roentgenology and Radium Therapy, Volume XXVI, No. 4, October, 31. (Printed study);

"Pneumoconiosis - A List of References, Published in the United Kingdom for the International Labor Office (League of Nations). (Printed list of references);

"Review of Literature on Effects of Breathing Dusts with Special Reference to Silicosis," by D. Harrington and Sarah J. Davenport. (Pamphlet printed by U.S. Dept. of the Interior);

"Third Symposium on Silicosis" An Official Transcript of the Third Silicosis Symposium Held in Connection with the Trudeau School of Tuberculosis at Saranac Lake, New York, June 21 to June 25, 1937. (Official printed transcript);

"A Study on Asbestosis in the Asbestos Textile Industry." (Public Health Bulletin No. 241);

"Silicosis and Similar Dust Diseases." (Pamphlet); and

"Asbestos Pneumoconiosis, Experimental Studies by the Saranac Laboratory: Report to the Johns-Manville Corporations." (Experimental study report).

Internal memo, dated July 24, 1952, from Charles J. Hruska, to all department heads and supervisors regarding various dusts, including asbestos. The health concerns related only to gypsum dust and silica and not to asbestos;

Letter, dated November 16, 1953, from C.P. Kipp to Department of Mines in Quebec, Canada, requesting information relating to asbestosis;

Letter, dated November 25, 1953, from Eugene Poitevin, Canada Department of Mines and Technical Services to C.P. Kipp of USG suggesting that best publication on the subject of asbestosis is "A Study of Asbestosis in the Asbestos Textile Industry," Public Health Bulletin Number 241;

Internal memo, dated December 1, 1953, from C.P. Kipp to C. Kasper of USG requesting information as to whether above-captioned study was on hand, and handwritten reply.

The following documents (a and b) cannot be classified in such a manner as to state who specifically located the document or when the document was located. Operating bulletins are issued to establish, standardize, or authorize a Company practice. They are permanently maintained and are subject to being reviewed by anyone within the Company at any time, as needed. It is therefore impossible to indicate a locator of the document or a date which the document was first located, other than the date of issuance of the document. All such documents (c and d) are permanently maintained in operating bulletin files maintained in the record center at the USG building, 101 South Wacker Drive, Chicago, Illinois. (e) Bob Clark is the current custodian of the files.



Operating bulletin, dated September 3, 1948, reflecting a recognition by USG of a work related health hazard associated with exposure to asbestos;

Operating bulletin, dated February 11, 1954, relating to the elimination of dusty conditions in plants and the requirement that employees wear adequate respiratory equipment;

Operating bulletins, dated February 13, 1959 through July 7, 1980, relating to the establishing of an X-ray program for USG employees exposed to asbestos.

Shortly before his death in 1980 C.P. Kipp, then Manager, Insurance, stated that USG was not a member of the Asbestos Cement Products Association although he had attended a few meetings for his personal information only. A search was made for these documents in February, 1984, by S.K. Torrey, specifically for the purpose of responding to the "notice" interrogatory heretofore propounded.

Memorandum from C.P. Kipp to file, dated March 11, 1970, regarding Industrial Hygiene Foundation of American - Health and Safety Council meeting, held February 18, 1970;

Memorandum from C.P. Kipp to file, dated March 11, 1970, continuing his previous memorandum;

Memorandum from C.P. Kipp to file, regarding Legislation Committee - Health and Safety Council meeting, held February 17, 1970;

Memorandum from C.P. Kipp to file, dated March 11, 1970, regarding Health and Safety Council meeting, held March 17, 1970;

Minutes of the seventh meeting of Health and Safety Council/ACPA, held March 19, 1970, and drafted by Martin J. Neville;

Minutes of eighth meeting of Health and Safety Counsel/ACPA, held March 19, 1970, and drafted by Bradley Walls;



Memorandum from L.A. Tobey to C.P. Kipp dated December 2, 1970, regarding ACPA/Health and Safety Council meeting, held November 19, 1970;

Memorandum to principals and representatives for Health and Safety Counsel/ACPA, dated March 25, 1971, from Bradley Walls;

Pamphlet from Health and Safety Council/ACPA regarding recommended practices for fabricating, handling and applying asbestos-cement products in building and construction industries;

Memo from C.P. Kipp to W.J. Brown, G.R. Krug, M. Schmidt dated March 12, 1970, forwarding to the recipients notes regarding the meeting of the ACPA held February 17 and 18, 1970;

Memorandum to principals and representatives of Health and Safety Counsel/ACPA from Bradley Walls;

Pamphlets from Mine Safety Appliances Company entitled "Pertinent Information Concerning Bureau of Mines Approval Schedule 21B" and pollution pamphlet attached;

Memo from C.P. Kipp to W.R. Hogan, dated July 2, 1970, regarding Health and Safety Council/ACPA membership dues.

Article by George W. Wright reprinted from American Review of Respiratory Diseases, Volume 100, Number 4, October, 1969, entitled "Asbestos and Health in 1969";

English Statutory Instrument 1969, Number 690, entitled "Factories - The Asbestos Regulations 1969";

Pamphlet from the Asbestos Research Council, entitled "Recommended Code of Practice for the Handling and Disposal of Asbestos Waste Materials," dated September, 1969;

Memorandum from Roger Gillette to D.S. McVicker, entitled "Industrial Health Precautions - Tape and Joint Compounds," dated June 2, 1972, and newspaper articles attached;

Memorandum from C.P. Kipp to specified distribution list regarding asbestos exposures and relating to an attached newspaper article

that seemingly refutes the theory of prolonged exposure to asbestos required to cause cancer and/or asbestosis, dated November 1, 1971:

Article by Howard J. Rosen entitled "Controlling Construction Pollution," concluding that asbestos-sprayed insulation must be eliminated in future construction;

Editorial from ASBESTOS PRODUCER entitled "Three Year Health Survey Findings Announced";

Letter from P.E. LeClerc, Regional Sales Manager, Asbestos Corporation, Ltd., to N.L. Thornton, dated January 13, 1970, specifying the warning all future shipments from Asbestos Corporation, Ltd., will contain;

Memo from C.P. Kipp to specified distribution list, dated June 14, 1972, regarding new threshold limit values for asbestos in workplace to be effective July 1, 1976;

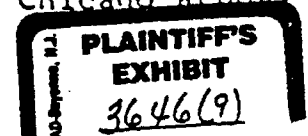
A memo from E. Maynard to C.P. Kipp, dated June 2, 1970, regarding dust hazard due to sanding joint compounds;

Memorandum from Marv. Schmidt to E. Maynard, dated May 11, 1970, regarding dust hazard due to sanding joint cement.

The following documents were located (a) by Elizabeth Throop, USG paralegal, on (b) approximately Summer, 1981. The documents were located in (c and d) the individual plant files maintained within the Corporate Occupation Safety and Health Department files located at 101 South Wacker Drive, Chicago, Illinois. The custodian of the documents at the time they were located was (e) Jim Cornell.

National Loss Control Service Corporation ("NATLSCO") "Industrial Hygiene Reports for the United States Gypsum Company," conducted in 1971 and 1972 for the following plants: Philadelphia, Pennsylvania; Norfolk, Virginia; Gypsum, Ohio; East Chicago, Indiana;

Memo from J.N. Walker to J.D. Cornell, dated October 17, 1973, regarding East Chicago study.



Reply memo from H.E. Keessen to J.N. Walker,
dated October 19, 1973.

Reply memo from J.D. Cornell to H.E. Keessen,
dated October 23, 1973.

The following documents were located by (a) Gary Smith,
USG attorney on (b) approximately February, 1984. The documents
were (c and d) maintained by the Gypsum Group Product management
files maintained at 101 South Wacker Drive, Chicago, Illinois.
The custodian of the documents at the time they were located was
(e) Clarence Howard.

"Chronology of N/A" (listing of newspaper
stories, magazine articles and various
information relating to asbestos, from
approximately October 2, 1968 through February,
1973);

R and D Technical Request to J.N. Walker from
C.N. Howard, Jr., dated August 20, 1970,
requesting the elimination of asbestos fiber from
all joint compounds;

Memorandum from K.S. Freeman to various parties,
dated August 28, 1972, regarding meeting on the
use of asbestos joint treatment compounds;

Memo from C.N. Howard to indicated parties, dated
October 26, 1972, regarding status of asbestos
free joint compounds;

Memo from W.W. Holloway to A.R. Rump, dated July
7, 1972 regarding federal regulations on
asbestos;

Pamphlet from Mount Sinai School of Medicine
entitled "Insulation Hygiene Progress Reports,"
dated Fall, 1972.

Memo from C.P. Kipp to C.N. Howard, dated May 8,
1972, regarding excerpts from Gypsum Association
Manufacturing and Mining Committee Report and
attachment.



The following documents were located by (a) Cynthia Whitting, paralegal, on approximately (b) late February, 1994. The documents were (c and d) located within department files of Corporate Quality Assurance, maintained within the USG building, 101 South Wacker Drive, Chicago, Illinois. The custodian of the files at the time the documents were discovered was (e) Clyde Roe.

Letter from Dr. Irving J. Selikoff to Ms. Marie Ehrmann dated July 31, 1973, "reporting results of investigations into the comparative toxicity of chrysotile asbestos, in relation to other fibers.";

Fulmer Special Report, Number Five, entitled "Asbestos - Characteristics Applications and Alternatives";

Study by Paul Gross, M.D., Robert T.P. deTreville, M.D., Lewis J. Cralley, Ph.D., and J.M.G. Davis, Ph.D., entitled "Pulmonary Ferruginous Bodies - Development in Response to Filamentous Dusts and a Method of Isolation and Concentration";

Pamphlet by Walter C. McCrone and Ian N. Stuart entitled "Asbestos";

Report on study by R.D. Pontefract and H.N. Cunningham, report in Nature, Volume 243, June 8, 1973, entitled, "penetration of Asbestos through the Digestive Tract of Rats";

Regulation "1910.1001 - Asbestos," contained within Occupational Health and Safety clipping;

Letter from Joseph Volk, Manager of Product and Process Services of Gold Bond Building Products, a Division of National Gypsum Company, to H.B. Carlson, Secretary of the Technical Committee of the Gypsum Association, regarding and forwarding two reports prepared as a result of laboratory studies conducted by National Gypsum Company on May 10, 1973, and July 3, 1973 (total and respirable dust released during various mixing and sanding operations);



Article by John L. Myers, entitled "Chrysotile Asbestos in Plasters," dated December 20, 1973, and accepted for presentation at the 32nd Annual Technical Conference for the Society of Plasters Engineers on May 13-16, 1974;

Report from the Gypsum Association to the Special Committee on Asbestos and Joint Treatment Compound, dated August 15, 1973, regarding an August 8, 1973 meeting of the Association's special committee to plan a field testing program to evaluate the hazard levels resulting from dry mixing and sanding of joint treatment compounds;

Report by Joseph Volk, Chairman of Special Committee on Joint Compounds in the Gypsum Association entitled "Report of Special Task Force on Joint Treatment Compound," dated November, 1973;

Warning statement recommendation issued by the Special Committee on Asbestos on Joint Compounds of the Gypsum Association;

Memo from K.S. Freeman to J.N. Walker regarding caution labels for joint compounds, dated August 17, 1973;

Memorandum from J.N. Walker to C.P. Gramer, dated December 14, 1973, entitled "Warning Labels for Joint Treatment and Texture Paints" wherein a recommendation for warning labels was issued for all joint compounds and textured paints containing asbestos;

Memorandum from R. Howe to C.P. Howard dated September 12, 1973, entitled "Requirement for 'Asbestos Caution' on Ready Mix Products";

Memorandum from J.J. McVay to specified plant personnel, dated June 7, 1973, regarding reevaluation of Imperial QT Texture Finish in light of new governmental regulations banning the use of asbestos in spray acoustical and insulation materials;

Memo from E.V. Salvo to C.J. Ball, dated June 1, 1970, regarding public hearings on the health effects of spraying of asbestos-containing materials, held May 27 and 28;



Georgia-Pacific interdepartmental memo from E.F. Fatz to M.F. Fink, dated June 3, 1970, regarding lung research conducted at Mount Sinai Hospital Medical School;

Letter from M.F. Fink, Safety Supervisor of Georgia-Pacific Corporation to F.J. Rogers, Secretary Gypsum Association Safety Council, dated June 9, 1970, regarding above-stated interdepartmental memo.

Gypsum Association's "Evaluation of Exposure to Asbestos During Mixing and Sanding of Joint Compounds," dated November 19, 1973 (testing conducted in Denver, Colorado).

National Loss Control Service Corporation (NATLSCO) "Asbestos Study for Research Center, United States Gypsum Company, Des Plaines, Illinois" (test conducted from July 21 through August 16, 1972).

The existence of boxes containing the following documents was determined (a) by Dave Buffo, USC paralegal on (b) approximately mid to late, 1982. The boxes were located (c and d) in the USC warehouse at 500 North Orleans Street, Chicago, Illinois, in boxes entitled "SprayDon files." The custodian of the documents at the time they were discovered was (e) Dorothy Littlejohn. Because the boxes were clearly labeled "SpayDon" they were not reviewed in detail for information relating to asbestos until this defendant undertook a more extensive review of documents in order to comply with Judge Wilkins' Order and therefore included these boxes in its search.

Memo from C.J. Atwood to C.C. Thiel, dated June 11, 1970, regarding SprayDon and concluding that the timing is poor for any type of a promotional meeting on the product;

Response memo from C.C. Thiel to Alfred Giamboi of Metropolitan Spray, Inc., dated January 3, 1972, regarding meeting of December 21, 1971;

Letter from R. L. Kempthorne, Vice president of SprayDon Research Corporation to D.N. Diersen, dated May 23, 1969, accepting wording of caution label;

Marketing project authority specifications by D.N. Diersen, dated May 29, 1969, specifying labeling to be printed on all SprayDon bags;

Letter from D.N. Diersen to R. Kempthorne dated May 16, 1969, regarding asbestos labeling;

Memo from C.P. Kipp to D.N. Diersen, dated May 14, 1969, specifying recommended asbestos labeling for SprayDon products;

Memo from D.N. Diersen to C.P. Kipp, dated April 18, 1969, requesting approval of asbestos warning label;

Letter from R.L. Kempthorne to D.N. Diersen, dated April 15, 1969, (sic) regarding asbestos labeling.

Product identification bulletin number 7-35-1-19, dated 6/3/68 (pages 8 and 9) regarding SprayDon labeling;

Memo from R.W. Kirkland to L.N. Rockett regarding trip to South Plainfield, New Jersey plant on October 8, 1968, wherein trials were conducted to resolve the problem of accessive dust and SprayDon type A;

Letter from R.L. Kempthorne to Carl Setterberg regarding attempts to solve the dust problem of SprayDon, type "A";

Letter from D.N. Diersen to R. Kempthorne, dated December 4, 1978, regarding South Plainfield dust problems;

Memo from D.G. Klassen to D.N. Diersen, dated December 27, 1968, regarding modification to spray wool equipment at South Plainfield in an attempt to determine the cause of dust;

Letter from D.N. Diersen to R. Kempthorne dated December 27, 1968, regarding dust problem of SprayDon type "A";

Letter from R. Kempthorne to D.N. Diersen, dated January 7, 1969, regarding SprayDon, type "A" sprayed with oil in different percentages;

CERTIFICATE OF MAILING

This is to certify that I, Antoinette C. Martin, employee of 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 Response to Special Interrogatory Proposed by Plaintiff 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 April, 1984.

By Antoinette C. Martin

cc: (w/encl.): F. Barron Grier, Esq.
Glenn Bowers, Esq.
P. Michael Duffy, Esq.
Robert R. Carpenter, Esq.
Donald A. Cockrill, Esq.
Suzanne K. Torrey, Esq.

