

PLAINTIFF'S
EXHIBIT

To: Mr. Weather
From: J. P. Verban
Subject: National Accounts

Date: November 12, 1962

Following up with Mr. M. W. Burleson, Vice President Sales for J-M's Industrial Insulations Division, I learned that they are unable to proceed with their CARCO investigation until a policy decision is made with respect to bag markings, because of the asbestos content.

Currently, they are a party in suit by several asbestos workers who claim lung cancer was aggravated by the asbestos materials with which they work. The entire asbestos industry is considering labeling its product with some note of caution to the users of asbestos products, and it appears to them that the warning we have on our bags is appropriate to relieve us of responsibility but they are in a quandary.

If we label our CARCO bags and they do not, should they have an occurrence similar to the present problem, the fact that our bags are labeled and theirs are not, would make them a party in negligence. Were they to mark their sprayed fiber bags because of the asbestos content and not mark every other asbestos bag their company distributes, it is possible that they would be a party in liability and charged with negligence for not exercising caution on the remainder of their company's products.

For that reason, until a policy determination is made as to whether or not they will mark their bags, no further discussion will be held on our supplying them CARCO. He felt this would be resolved by November 26th and if told him, I would follow up at that time.

JPV/dco

cc: J. E. O'Rourke — R. E. Schlemmer — E. P. Egan — F. M. Stumpf