

AFFIDAVIT OF PHILIP M. RICE

STATE OF OHIO)

COUNTY OF LUCAS)

This day personally appeared before me the undersigned authority, Philip M. Rice, who, after having been first duly sworn, deposes and says that:

1. My name is Philip M. Rice and I am an Assistant Secretary of Owens-Illinois, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Ohio, with its principal office located at One SeaGate, in the City of Toledo, County of Lucas, State of Ohio, in which corporation's behalf I make this affidavit.

2. As an Assistant Secretary of Owens-Illinois, Inc., I am authorized to make this affidavit on its behalf.

3. I have in my capacity as an Assistant Secretary of Owens-Illinois, Inc. either personally searched or had others under my direction and control search the available records and information pertaining to the past business operations of said corporation's manufacture, sale and/or distribution of asbestos-containing products.

4. The records establish that the only asbestos-containing thermal insulation products manufactured, sold and/or distributed by Owens-Illinois carried the trade name "Kaylo." Owens-Illinois operated a pilot plant manufacturing limited amounts of Kaylo from mid to late 1943 until 1948. Owens-Illinois began the production and marketing of commercial quantities of Kaylo thermal insulation products in 1948. Owens-Illinois sold its entire thermal insulation business to Owens-Corning Fiberglas, an independent corporation, effective on April 30, 1958. Exhibit I to this affidavit is a true and correct copy of the contract of sale of this Kaylo business.

5. Records showing sales of small quantities of Kaylo to the U.S. Navy for Seattle and Bremerton in 1952 and 1953 are attached as Exhibit II. These records also show sales of small quantities of Kaylo to these locations in 1954 and one sale of Kaylo shipped to the Naval Supply Depot in Spokane in 1954. The records attached as Exhibit II are the only records indicating sales of Kaylo within the State of Washington.

PLAINTIFF'S
EXHIBIT

tabbies 04177.00

PLAINTIFF'S
EXHIBIT

tabbies WV-000958

6. Exhibit III to this affidavit are copies of the permanent accounting records of Owens-Illinois which show the total gross sales of Kaylo products for the years 1943 through and including 1958. These accounting records are maintained by the accounting department of Owens-Illinois as permanent business records and were located in the accounting department.

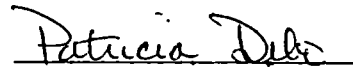
7. Owens-Illinois ceased the manufacture, sale and/or distribution of asbestos-containing products on or about April 30, 1958 and has not since engaged in any such business.

FURTHER AFFIANT SAITH NOT.



PHILIP M. RICE

Sworn to and subscribed before me this 9th day of February, 1984.



NOTARY PUBLIC

PATRICIA DEBO
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES MAY 24, 1988

EXHIBIT II

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

OWNERS ILLINOIS GLASS COMPANY

CUSTOMER

SHIPPED TO

Name U.S. NAVY

Name Box 19

KAYLO DIVISION

Address

Address

U1555-432

Order No. REG# 155/132118/52/USF

F.O.B. Plant PPD ✓

Col.

Terms 2.10.30

INVOICE		ARTICLE NO. OR DES.	Quantity Shot.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Na Air Force, Etc.
Date	Pre. Number			Article	Other	Article	Pctrs. and Filler.			
1/11	92	7166		109520		135589		57101		
1/11	92	6808		140314		79767		14104		
1/11	92	6708		201130		117742		48215		
1/11	92	4767		140314		79767		19104		
		Baemerton, Washington								
		Rate 145.								

SUPPLIED TO

12

Address

27. 3000y

1953

6	17	92	10450
8	6	92	10637

NAVAL SUPPLY DEPOT, SEATTLE, WASH.

618 92 10463 ✓

Alvin S. WARD, BREANERTON, WASH.

CUSTOMER

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS OWENS-ILLINOIS GLASS COMPANY
KAYLO DIVISION

SHIPPED TO

Name

General Supply Depot

Name

same

Address

Address

*Box 19*Order No. *N3P3-1558-68971 (P)*

F.O.B.

PPD

Col.

Terms

INVOICE

Date

Fre.

Number

ARTICLE NO. OR DES.

Quantity

Shpt.

SALES VALUE

Article

Other

FACTORY COST

Article

Pkg. and Frtg.

Freight

Cost

Product

Classifications

End Use—Army

Air Force, 1

*Castle, W. Va.**2792 4392**Page One**8340**4639**555*

37-5

1952

CUSTOMER

SHIPPED TO

KAYLO DIVISION

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS OWENS-ILLINOIS GLASS COMPANY

Name NAVAL SUPPLY DEPOT

Name SEATTLE, WASH

Page 19

Address SEATTLE, WASH

Address

Order No. N1555-5101

F.O.B. Plant yard PPDV

Col.

Terms 270 30 Days

INVOICE

Date	Pc.	Number	ARTICLE NO. OR DES.	Quantity Shpt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Air Force, Etc.
					Article	Other	Article	Pctn. and Fitts.			
12/16		929058	Geys. lins.		294480		172030		50119	118	

Bo-119

Address

290 30 Days

INVOICE												
Date	No.	Name	Number	ARTICLE NO. OR DES.	Quantity Shpt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Navy Air Force, Etc.
						Article	Other	Article		Pkgs. and Fittg.		
953	18	92	9824	NAVAL SUPPLY DEPT SEATTLE, WASH.		6240		381	60		441.35	Cenr VSCB-
								</				

CUSTOMER

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

SHIPPED TO

Name U.S. Navy

Name SEE BELOW

6/19

Address

Address

Order No. *N 1555-7889*

F.O.B.

PPD ✓

Col.

Terms

27. 300y

[illegible][illegible]

NAVAL SUPPLYARD, BREMENSTON	618	92	10443	✓	182070	1377	00	1889	1889
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SHIPPED TO

Deer Driving

Lending Office

6/19

Address

41157

1155-9120

F.O.B. 12/21/10 PPD

Col.

Terms

0505

INVOICE

ARTICLE NO. OR DES.

Quantity
Shpt.**SALES**

Article

Other

FACTORY COST

Table

Packs and Filters.

Fieflap

Cost

Product Classifications

End Use—Army, Navy,
Air Force, Etc.

Date _____

Pic.	Number
------	--------

THE UNIVERSITY OF CHICAGO

Shrt.

Article

Other

Article

Packs and Folders

Cost

Classification

Air Force, Etc.

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS
OWENS-ILLINOIS GLASS COMPANY
KAYLO DIVISION

CUSTOMER

SHIPPED TO

Name General Huygand Name same
Address Bremerton, Wash. Address

Order No. PLG-33799 F.O.B. PPD Col. Terms

INVOICE		ARTICLE NO. OR DES.	Quantity Shipt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use - Army, Navy Air Force, Etc.
Date	Pr. Number			Article	Other	Article	Pkgs. and Fills.			
26	92 7626	Pipe line.		24787		25759		6346		
	PLG-33798									
26	92 7635	" "		25806		13102		4887		
	PLG-34523									
27	92 7650	" "		11100		9066		2125		
	PLG-92259									
16	92 7212	" "		4746		2284		1112		
7	CH 558	Reported sub-Tange on		2034						
		Reported 9/19/51								
7	CH 529	White reference from with		10838		5444				
		Shipped on 292-4851 of 9/24/51								

CUSTOMER

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS OWENS-ILLINOIS GLASS COMPANY
KAYLO DIVISION

Name Naval Supply Center

Name SAVE

Box 19

Address

Address

Order No. REQ 155/134120/52/456

F.O.B. Plant

PPD ☒ Col.

Terms 2-10-30

INVOICE

Date	Pr.	Number	ARTICLE NO. OR DES.	Quantity Shpt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Navy, Air Force, Etc.
					Article	Other	Article	Pctgs. and Fittgs.			

ROBERTSON, WASHINGTON

5/2 9 6351 PIPE 100

222 00

181 32

40 06

Box 19

U1555-690 (P)

Terms 2-10-30

ARTICLE NO. OR DES.

End Use--Army, Navy,
Air Force, Etc.

771

Ripe just

2274

[illegible]

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS OWENS-ILLINOIS GLASS COMPANY

KAYLO DIVISION

SHIPPED TO

CUSTOMER

Name U.S. Navy

Name

Address U1555-1433

Address

Box 119

Order No. Reg # 155/32161/52/456

F.O.B. PLANT PPD ☒

Col.

Terms 2.10.30

INVOICE		ARTICLE NO. OR DES.	Quantity Shpt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Air Force, Etc.
Date	Pr. Number			Article	Other	Article	Pctge. and Filler			

01/15/52	92-7406	SEATTLE, WASH.	2	16738		1	229.29	375.09		
01/10/52	92-7471	BEAVERTON, WASH.		76302		1	23.96	127.81		

SCHEDULE OF SHIPMENTS ON WAR CONTRACTORS-ILLINOIS GLASS COMPANY
KAYLO DIVISION

CUSTOMER

SHIPPED TO

Name U.S. Navy

Name

Box 119

Address

Address

MISS - 915F.O.B. PlantPPD ☒

Col.

Terms 2.10.30Order No. REQ 155/132145/52/5F

INVOICE

INVOICE												
Date	Inv. Number	/ ARTICLE # NO. OR DES.		Quantity Shpt.		SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use—Army, Air Force, Etc.
						Article	Other	Article	Pkgs. and Fittg.			

<u>12/52</u>	<u>92 7686</u>	<u>BREMERTON, WASHINGTON</u>		<u>121</u>							
		<u>Pile</u>		<u>960.00</u>				<u>374.62</u>	<u>205.13</u>		

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

CUSTOMER

SHIPPED TO

Name _____

U.S. Navy

Name _____

Jeff Bezos

附一

Address

Address

Order No. N 1555-5101

F.O.B.

PPD ✓

Col.

Terms

2% 30 Days

INVOICE

Date	Prc.	Number
------	------	--------

ARTICLE NO. OR DES.

Quantity
Ship.

SALES VALUE

Article

Others

FACTORY COST

Article

Packs. and Filters.

Freight
Cost

Product Classifications

**End Use—Army,
Air Force, E**

NAVAL SHIPYARD BREMERTON, WASH

1	20	92	9323
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174810

103680

29751

Page 57 of 70

410	1	252
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3067

 $\frac{x}{2}$

154

1504-1 / 540

5/10/15

NUUN SUPPLY DEPOT, SEATTLE, WASH

1-21 92 9343

97440

537 60

121.16

Dem. 300h.

NAVY DIVISION
SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

CUSTOMER

SHIPPED TO

Name NAVAL SHIPYARD

Name SAHE

Box 19

Address BREMERTON, WASH.

Address

Order No.

F.O.B.

PPD ☒

Col.

Terms

270 30 days

INVOICE

Date	Pie.	Number	ARTICLE NO. OR DES.	Quantity Shipt.	SALES VALUE		FACTORY COST		Freight Cost	Product Classifications	End Use - Army, Navy, Air Force, Etc.
					Article	Other	Article	Pieces and Parts			

7453											
2 21	92	9658	P.L.		339 00		192 00		58 24	Gen 1127	

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

CHILDREN TO

Clientele

NAME:

Dakota Corning

NAME _____

Shahel Supply Center

Boj 19

Address

055 29.4295

Address

General Supply Dept - Oakland, Calif

ORDER No. 15628130

F.O.B. *Shipping* PPD

Col.

TERMS

2230

INVOICE[illegible]

ARTICLE NO. OR DES.

9117T.

ARTICLE

1

OTIEB

ARTICLE

FT

REIGNING

PKQDS. AND RITIGS.

CLASSIFICATIONS

ALL POLICE

	Pipe Insulation	Bugs Sound Slab Siphon
8 ²⁹	O.C.E.	Booster Valve
29	\$300	
56	95 3594	6519 A9

SCHEDULE OF SHIPMENTS ON WAR CONTRACTS

SHIPPED TO

CUSTOMER

1941

NAME

Julius Caring

ADDRESS

1010 Ohio

NAME

Hadley Supply Depot

ADDRESS

Spokane (Hdqt) Washington

ORDER NO.

00294252

F.O.B.

PPD

COL.

TERMS

INVOICE

DATE	PREC.	NUMBER	ARTICLE NO. OR DES.	QTY. SHIP.	SALES VALUE	OTHER	FACTORY COST	FREIGHT	FACTORY COST PACKS. AND FITTS.	PRODUCT CLASSIFICATIONS	END USE - ARMY, NAVY, AIR FORCE, ET
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11	95	1000	Rip Handker	21	20800		208114			21	533 22	
				21						22	1744.20	