

STATE OF MINNESOTA

COUNTY OF DAKOTA

DISTRICT COURT

FIRST JUDICIAL DISTRICT

File No. 99081 and
99082

In Re: State and Regents Building
Asbestos Cases

RESPONSE OF DEFENDANT UNITED STATES MINERAL PRODUCTS COMPANY TO PLAINTIFF'S REQUEST FOR ADMISSIONS AND ACCOMPANYING INTERROGATORIES

TO: PLAINTIFFS ABOVE-NAMED AND THEIR ATTORNEYS, NESS, MOTLEY, LOADHOLT, RICHARDSON & POOLE, 151 Meeting Street, P.O. Box 1137 Charleston, SC 29402.

Defendant United States Mineral Products Company ("USM"), as and for its response to Plaintiff's Request for Admissions and Accompanying Interrogatories herein, states as follows:

PRELIMINARY STATEMENT

USM states that it has attempted to respond to the Request for Admissions and Accompanying Interrogatories as they relate to this litigation to the best of its knowledge, but has had to review many documents, some of which are incomplete due to age and this Defendant's record retention policy, and such records may be incomplete. Accordingly, USM reserve the right to amend or supplement its answers if it find that inadvertent omissions or errors have been made or additional or more accurate information becomes available that is required to be produced by the Minnesota Rules of Civil Procedure and the Court's Trial Management Orders in this matter.

Additionally, USM only manufactured and sold asbestos-containing products from 1954 through 1971. Unless otherwise stated in a specific answer to a specific Interrogatory, the Answers to these Interrogatories shall be limited to those products, that period of time and to the State of Minnesota.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 1: That with respect to each asbestos-containing product you manufactured, you never placed on the product container(s) any warnings about the hazards and dangers associated with asbestos exposure.

RESPONSE: Request No. 1 is objected to on the ground that it is vague as to the terms "product container(s)" and, "warnings" and as to the phrase "hazards and dangers associated with asbestos exposure". Subject to that objection, without waiving the same and conceding that any one particular

"hazard" or "danger" is associated with "exposure" to asbestos, Request No. 1 is denied.

INTERROGATORY NO. 1: If your response is anything other than an unqualified admission, state the following:

(a) . . .

RESPONSE: See objection and response to Request No. 1. Subject to that objection, and without waiving the same, Defendant USM states that beginning in May 1962 a warning was printed on the bags containing its various products, as follows:

CAUTION

> This product contains asbestos. Inhalation of asbestos dust over long periods may be harmful. If employees are exposed to dust during use in application, those employees should be equipped with adequate personal protection devices.

REQUEST NO. 2: That you never placed any warnings on your product brochures/advertisements about the hazards and dangers associated with asbestos exposure.

RESPONSE: Request No. 2 is objected to on the grounds that it is vague and ambiguous as to the terms "warnings", "product brochures/advertisements" and as to the phrase "hazards and dangers associated with asbestos exposure". Subject to those objections, without waiving the same, and further without conceding that any particular "hazard" or "danger" is associated with "exposure" to asbestos, Request No. 2 is denied.

INTERROGATORY NO. 2: If your response is anything other than an unqualified admission, state the following:

(a) . . .

RESPONSE: See objections and response to Request No. 2. Subject to those objections, and without waiving the same, Defendant USM states that, throughout the entire period during which asbestos-containing products were manufactured by it, written instructions were supplied to USM's licensed applicators which contained various information which might be construed as "warnings". These included a recommendation that protective dust masks be worn by applicators.

REQUEST NO. 3: That you never placed any warning about the hazards and dangers associated with asbestos exposure on any of the Sweet's catalogue listings describing your products.

RESPONSE: Request No. 3 is objected to on the grounds that term "warning" and the phrase "hazards and dangers associated with asbestos exposure" is vague and ambiguous. Subject to that objection, without waiving the same, and without conceding that any particular "hazard" or "danger" is associated with "exposure" to asbestos, Defendant USM states

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STATE OF NEW JERSEY)
)
COUNTY OF SUSSEX)

VERIFICATION

PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, PAULETTE A. KAMINSKI, who, after being duly sworn deposes and states that the facts set forth in the foregoing answers to interrogatories are true and correct.

UNITED STATES MINERAL PRODUCTS COMPANY

By: Paulette A. Kaminski
PAULETTE A. KAMINSKI
ASSISTANT SECRETARY

SWORN TO AND SUBSCRIBED, before me a Notary Public in and for said County and State on this 16th day of August, 1988.

Barbara Mutchler
Notary Public

BARBARA MUTCHLER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 11, 1992