



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

CENTRAL WESLEYAN COLLEGE,
on behalf of itself and all
others similarly situated,

Plaintiff,

v.

W.R. GRACE & CO., et al.,

Defendants.

Civil Action No. 2:87-1860-8

**DEFENDANT, W.R. GRACE & CO. - CONN.'S RESPONSES
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Pursuant to Discovery Order I, entered herein October 25, 1994, Defendant, W.R. Grace & Co. - Conn., formerly known as W.R. Grace & Co. ("Grace"), by its undersigned attorneys, responds to Plaintiffs' First Set of Interrogatories, originally served August 5, 1986, in *Clemson University and The College of Charleston on behalf of themselves and all others similarly situated v. W.R. Grace & Co., et al.*, Civil Action No. 2:86-2055-2, and made applicable herein by order of the court dated December 8, 1988, as follows:

INTRODUCTION AND ENUMERATED OBJECTIONS

The following responses are based upon facts known by Grace at the time of responding to these interrogatories. Much of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve. Grace reserves the right to amend these responses as and if new or better information becomes available to it or if errors are discovered.

RESPONSE:

No.

INTERROGATORY NO. 6:

Have you ever milled asbestos? If so, state the dates you were involved in the milling of asbestos, and the locations of your milling facilities.

RESPONSE:

No.

INTERROGATORY NO. 7:

Have you ever sold raw asbestos fiber? If so, state the dates you were involved in the sale of raw asbestos fiber, and describe the circumstances of your involvement.

RESPONSE:

Not on any regular basis. In isolated instances, some Construction Products Division plants sold very limited amounts of commercial asbestos to particular customers, as an accommodation. Likewise, some CPD plant managers appear to have sold remaining inventories of commercial asbestos fiber at the time the CPD discontinued the sale of construction products containing commercial asbestos.

During the period from 1976 to 1982, certain foreign subsidiaries of Grace sold a product known as Sylodex 14 and 24 to foreign producers of plastic resins, sealing compounds, adhesives, etc. for use as a thickening or thixotropic agent. The product was chrysotile asbestos which Union Carbide mined and bagged in Calidria, California. Union Carbide shipped the product directly to its foreign destination, generally to Grace's foreign subsidiary (but apparently sometimes to the ultimate purchaser). The transaction was processed through Grace's accounting system showing as the shipper either the Export Order Department of Grace's Pacific-Inter-American Division or the Industrial Chemicals Group's Sales Accounting or Export Purchasing

Group. Grace was billed by Union Carbide, and charged the foreign subsidiary an intercompany transfer price in the same amount. Payment by the purchaser was made to the foreign subsidiary. To the best of Grace's knowledge, Grace acted only as an accounting facility for such transactions. Union Carbide's asbestos was also occasionally sold as "HPO Asbestos" in a similar fashion.

Use of asbestos as a "thixotropic agent" or thickener in plastic resins and similar products in the United States itself is still a permitted use by the EPA.

INTERROGATORY NO. 2:

List by brand name every product containing asbestos intended for use in building construction/insulation 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 percentage of asbestos, and the dates and all reasons for any modification thereof;
- (h) the type of asbestos;
- (i) the specific source of asbestos with dates;
- (j) the color, physical characteristic, and appearance of the product;
- (k) 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;
- (l) all other names under which the product was sold;
- (m) the number and date of each patent or patent application as to the product;
- (n) if the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity [sic] of the person who made the decision to delete the asbestos, and the date the product was first produced without [sic] the asbestos;
- (o) 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;
- (p) a precise description of your identifying logo or initials and the dates of inclusion on the product;
- (q) the identity of the custodian of actual containers or photographs of containers of the product;
- (r) all other names under which the product was sold;

VERIFICATION

STATE OF FLORIDA)
) ss.:
COUNTY OF PALM BEACH)

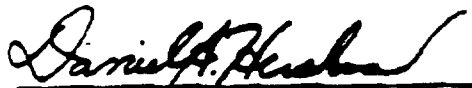
John V. Port, being duly sworn, deposes and says that he is the Controller, LSG, for the defendant W.R. GRACE & CO.-CONN., a Connecticut corporation; that he has read the foregoing responses to plaintiff's First Set of Interrogatories; that said response was prepared with the assistance of employees and representatives of the corporation; with the assistance and advice of counsel, upon which he has relied; and that said response is complete in accordance with the limitations stated therein to the best of his present knowledge, information and belief.

EXECUTED THIS 20 day of December, 1994, at Boca Raton, Florida.



JOHN V. PORT

Sworn to and subscribed before me this 20 day of December, 1994 by John V. Port, who is personally known to me.



NOTARY PUBLIC

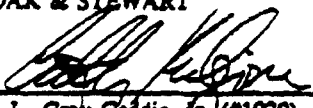


DANIEL A. HENDERSON
NOTARY PUBLIC
May 31, 1995
My Commission Expires:

Dated this 23rd day of December, 1994.

Respectfully submitted,

OGLETHREE, DEAKINS, NASH,
SMOAK & STEWART

By: 

L. Gray Gaddie, Jr. (#1020)
Donald A. Cockrill (#192)
Phillip A. Kilgore (#2329)

Attorneys for Defendant
W.R. Grace & Co. - Conn.

300 North Main Street
Post Office Box 2757
Greenville, South Carolina 29602
(803) 271-1300