

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
ET AL, all minors,

Plaintiffs,

-vs-

NO. 74-002-312 NO

THE CITY OF DETROIT, and
N. L. INDUSTRIES, INC., A New
Jersey Corporation, jointly
and severally,

Defendants.

NOTICE OF TAKING DEPOSITION

TO: BARRAN & KNOPPOW -and-
Attorneys for Plaintiffs
3001 Big Beaver Road
Troy, Michigan 48084

GARAN, LUCOW & MILLER ET AL
Attorneys for City of Detroit
561 E. Jefferson Avenue
Detroit, Michigan 48226

PLEASE TAKE NOTICE that on the 26th day of August
19 77, commencing at 4:30 o'clock in the afternoon, at the
offices of Dr. Neil Levy, D. O. 27301 Dequindre, Madison Hgts. Mi.
MORBACH, CHEATHAM & MacARTHUR, 2450 Buhl Building,
Detroit, Michigan, the Def. N. L. Industries Inc. will take the
deposition upon oral examination of Dr. Neil Levy, D. O.

this deposition to be taken in accordance with Rules 302.1, 305.1
and 306.1 of the Michigan General Court Rules.

This notice is given as provided for in Rules 305.1 and
306.1 of the Michigan General Court Rules, and ~~demands are hereby~~
~~made that you appear~~

at the time and place stated. You are invited to attend and
examine the witness.

MORBACH, CHEATHAM & MacARTHUR

By
CHARLES C. CHEATHAM (PI1815)
Attorney for N. L. Industries, Inc.
2450 Buhl Building
Detroit, Michigan 48226
964-1146

DATED: July 12, 1977

NL 000039317

N 26065

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Indiv. and as next
friend of STEVEN BEASLEY, Plaintiff
et al, minors

Civil Action

vs.
THE CITY OF DETROIT & N. L. INDUSTRIES,
INC. Defendant

No. 74-002-312 NO

SUBPOENA * DUCES TECUM

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

to LARRY CHADWZYNSKI, c/o City of Detroit, Dept. of Health

~~at the offices of Morbach, Cheatham & MacArthur~~
~~You are commanded to appear before the Circuit Court for the County of Wayne at the Circuit Court~~
~~2450 Buhl Building, Detroit, Michigan 48226~~

Room No. in the ~~City County Building~~, City of Detroit, Wayne County, on Tuesday
the 9th day of August A.D., 19 77, at 4:00 o'clock in the after noon,

to testify and give evidence in a certain cause now pending in said Court, ~~then and there to be tried, before~~

JUDGE between
 , Plaintiff(s) and
 , Defendant(s)

on the part of the Defendant, N. L. Industries, Inc.

And for a failure to attend you will be deemed guilty of a Contempt of said Court and will be liable to pay
all loss and damage sustained thereby to the part aggrieved, together with the sum of Two Hundred
Fifty Dollars in addition thereto.

MORBACH, CHEATHAM & MacARTHUR

Witness, the Hon. JAMES N. CANHAM, Presiding Judge,
and the seal of said Court, at the Court House, in the City
of Detroit, Wayne County, Michigan, this

BY:

CHARLES C. CHEATHAM (P11815)

11th day of July, 19 77

Attorney S for N. L. Industries, Inc.

2450 Buhl Building
Business Address Detroit, Mi. 48226

964-1146

Phone No.

JAMES R. KILLEN, Clerk of the Circuit Court

C. Morbach
Deputy Clerk

*** AND BRING WITH YOU LIST OF DOCUMENTS
AND RECORDS ANNEXED TO THIS SUBPOENA

NL 000039318

N 26065.01

1. All records concerning interior and exterior painting at premises known as 4800 Nevada, Detroit, from the time said premises were constructed until the present.
2. All records concerning painting of exteriors and interiors in the Sojourner Truth housing project.
3. All records of soil samples taken and tested for lead in the Sojourner Truth housing project.
4. All records of paint samples secured for the purpose of testing for lead in the Sojourner Truth project.
5. All analysis of paint samples taken for lead in the Sojourner Truth housing project.
6. All instructions for painting in the Sojourner Truth housing project.
7. All criteria for the correction of leaded paint in the Sojourner Truth project.
8. All blood lead analysis results in the Sojourner Truth project.
9. All blood lead analysis results in the Atkinson School.
10. All blood lead analysis results in the City of Detroit.
11. All documents, papers and correspondence with the Center for Disease Control concerning blood lead analysis and blood lead analysis results.
12. All documents and papers concerning animal studies for blood lead.
13. All correspondence with and documents furnished to other governmental agencies or units concerning lead screening programs and the results in Detroit.
14. All records documents, statements and writings of any kind, concerning the Beasley family and any of its members who resided at 4803 Nevada, Detroit.

LAW OFFICES
MORRIS, CHEATHAM
& MACARTHUR
2490 BUNL BUILDING
DETROIT, MICHIGAN 48226
(313) 994-1146

NL 000039319

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Indiv. and as
Next Friend of STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY & MONIQUE BEASLEY,
all minors,

Plaintiff,

NO. 74-002-312 NO

-vs-

THE CITY OF DETROIT, A Municipal
Corporation and N. L. INDUSTRIES,
INC., A New Jersey Corporation,
jointly & severally,

Defendants.

NOTICE OF TAKING DEPOSITION

TO: BARRAN & KNOPPOW -and- GARAN, LUCOW, MILLER et al
Attorneys for Plaintiff Attorneys for City of Detroit
3001 W. Big Beaver Rd. 561 E. Jefferson
Troy, Michigan 48084 Detroit, Michigan 48226

PLEASE TAKE NOTICE that on the 23rd day of August
1977, commencing at 4:00 o'clock in the afternoon, at the
offices of MORBACH, CHEATHAM & MacARTHUR, 2450 Buhl Building,
Detroit, Michigan, the Def. N. L. Industries, Inc. will take the
deposition upon oral examination of Regine Aronow, M.D.
C/O Childrens Hospital, 3901 Beaubien, Detroit, Mi. 48201

this deposition to be taken in accordance with Rules 302.1, 305.1
and 306.1 of the Michigan General Court Rules.

This notice is given as provided for in Rules 305.1 and
306.1 of the Michigan General Court Rules, and ~~demands is hereby~~
~~made, that you present~~ Witness has been subpoenaed
at the time and place stated. You are invited to attend and
examine the witness.

MORBACH, CHEATHAM & MacARTHUR

By CHARLES C. CHEATHAM (P11815)
Attorney for
2450 Buhl Building
Detroit, Michigan 48226
964-1146

DATED: July 12, 1977

NL 000039320

N 26065.02

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
BRIAN BESLEY, DERRICK BEASLEY, WENDELL
BEASLEY & MONIQUE BEASLEY,
all minors,

Plaintiff

NO. 74-002-312-NO

-vs-

THE CITY OF DETROIT, A Municipal
Corporation, and N. L. INDUSTRIES,
INC., A New Jersey Corporation,
jointly & severally,

Defendant.

NOTICE OF TAKING DEPOSITION

TO: BARRAN & KNOPPOW GARAN, LUCOS, MILLER, et al
Attorneys for Plaintiff Attorneys for City of Detroit
3001 W. Big Beaver Rd. 561 E. Jefferson
Troy, Michigan 48084 Detroit, Michigan 48226

PLEASE TAKE NOTICE that on the 17th day of August
19 77, commencing at 3:30 o'clock in the afternoon, at the
offices of MORBACH, CHEATHAM & MacARTHUR, 2450 Buhl Building,
Detroit, Michigan, the Def. N. L. Industries, Inc. will take the
deposition upon oral examination of Mr. William Dietrich,
Corporation Counsel's Office, Detroit, Michigan

this deposition to be taken in accordance with Rules 302.1, 305.1
and 306.1 of the Michigan General Court Rules.

This notice is given as provided for in Rules 305.1 and
306.1 of the Michigan General Court Rules, and ~~and demand is hereby~~
~~made that you present~~ witness has been subpoenaed
at the time and place stated. You are invited to attend and
examine the witness.

MORBACH, CHEATHAM & MacARTHUR

By
CHARLES C. CHEATHAM (P11815)
Attorney for N. L. Industries, Inc.
2450 Buhl Building
Detroit, Michigan 48226
964-1146

DATED: July 11, 1977

NL 000039321

N 26065.03

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Indiv. & as next friend
~~of STEVEN BEASLEY et al~~ Plaintiff

Civil Action

THE CITY OF DETROIT & N. L. INDUSTRIES,
INC. Defendant

No. 74-002-312 NO

SUBPOENA * DUCES TECUM

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO MR. WILLIAM DIETRICH, c/o Corporation Counsels Office,
City-County Building, Detroit, Michigan 48226

at the offices of Morbach, Cheatham & MacArthur
2450 Buhl Building, Detroit, Michigan

Room No. in the City-County Building, City of Detroit, Wayne County, on WEDNESDAY

the 17th day of August A.D., 1977, at 3:30 o'clock in the afternoon,

to testify and give evidence in a certain cause now pending in said Court, then and there to be tried, before

JUDGE between
Plaintiff(s) and
Defendant(s)

on the part of the Defendant, N. L. Industries, Inc.

And for a failure to attend you will be deemed guilty of a Contempt of said Court and will be liable to pay all loss and damage sustained thereby to the party aggrieved, together with the sum of Two Hundred Fifty Dollars in addition thereto.

MORBACH, CHEATHAM & MacARTHUR

Witness, the Hon. JAMES M. CANHAM, Presiding Judge,
and the seal of said Court, at the Court House, in the City
of Detroit, Wayne County, Michigan, this

BY:

CHARLES C. CHEATHAM (P11815)

11th day of July, 1977

Attorney S for N. L. Industries, Inc.

2450 Buhl Building,

Detroit, Mi. 48226

Business Address

Phone No. 964-1146

JAMES R. KILLEEN, Clerk of the Circuit Court

Deputy Clerk

** AND BRING WITH YOU ALL RECORDS OF ANY AND ALL CLAIMS MADE AGAINST THE CITY OF DETROIT, AND ALL SUITS AGAINST THE CITY OF DETROIT WHEREIN THE ALLEGATION IS THAT THE PLAINTIFF OR CLAIMANT INGESTED LEAD WHICH CAME FROM PAIN ON UNITS OF THE DETROIT HOUSING COMMISSION OR DETROIT HOUSING DEPARTMENT. THE RECORDS TO BE SUPPLIED ARE ALL RECORDS CONCERNING SUCH CLAIMS, EXCEPT THOSE FOR WHICH YOU CLAIM ATTORNEY-CLIENT PRIVILEGE, AND A LIST OF THOSE DOCUMENTS AND RECORDS IS TO BE SUPPLIED.

NL 000039322

N 26065.04

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLY, Individually and as
Next Friend of STEVEN BEASLEY, BRIAN
BEASLEY, DERRICK BEASLEY, WENDELL
BEASLEY & MONIQUE BEASLEY,
All minors,

NO. 74-002-312-NO

-vs- Plaintiff,

THE CITY OF DETROIT, A Municipal
Corporation, and N. L. INDUSTRIES
INC., a New Jersey Corporation,
jointly and severally,

NOTICE OF TAKING DEPOSITION

TO: BARRAN & KNOPPOW
Attorneys for Plaintiff
3001 W. Big Beaver Rd.
Troy, Mi. 48084

GARAN, LUCOW, MILLER et al
Attorneys for City of Detroit
561 E. Jefferson
Detroit, Michigan 48226

PLEASE TAKE NOTICE that on the 9th day of August
19 77, commencing at 4:00 o'clock in the afternoon, at the
offices of MORBACH, CHEATHAM & MacARTHUR, 2450 Buhl Building,
Detroit, Michigan, the Def. N L Industries, Inc. will take the
deposition upon oral examination of Larry Chadwzynski, City of
Detroit, Department of Health,

this deposition to be taken in accordance with Rules 302.1, 305.1
and 306.1 of the Michigan General Court Rules.

This notice is given as provided for in Rules 305.1 and
306.1 of the Michigan General Court Rules, and ~~demands is hereby~~
~~made that you appear~~ Witness has been subpoenaed

at the time and place stated. You are invited to attend and
examine the witness.

MORBACH, CHEATHAM & MacARTHUR

By
CHARLES C. CHEATHAM (P11815)
Attorney for N L Industries, Inc.
2450 Buhl Building
Detroit, Michigan 48226
964-1146

DATED: July 11, 1977

NL 000039323

N 26065.05

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
et al,

Plaintiffs,

vs.

CIVIL ACTION NO. 74 002-312 NO

THE CITY OF DETROIT, et al,

Defendants.

DEFENDANT CITY OF DETROIT'S ANSWERS
TO INTERROGATORIES

NOW COMES the defendant, CITY OF DETROIT, and
answering the Interrogatories propounded by the plaintiff's,
the defendant answers same as follows:

1. Memorandum of transaction attached.
2. Memorandum of transaction attached.
3. No answer required.
4. No.
5. Subsidies from U.S. Department of Housing and
Urban Development and rent from tenants.
6. (a) Yes. All scaly and loose paint is removed.
(b) Alkyd Resin, semi-gloss enamel according
to Federal Specification TTE-508-B; lead content 1/2 of 1%.
(c) Yes. The unit was painted on the outside.

Theodore Spencer
THEODORE SPENCER
Superintendent of Maintenance
Housing Department

NL 000039324

N 26065.06

AFFIDAVIT

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

THEODORE SPENCER being first duly sworn, deposes
and says that he has read the foregoing answers and that
the same are true of his own knowledge and belief.

Subscribed and sworn to before

me this *14th* day of *June*

Beth A. Andrews
Notary Public, Wayne County Michigan

My Commission expires: _____

BETH A. ANDREWS
Notary Public, Macomb County, Mich.
Acting in Wayne County, Mich.
My Commission Expires 7-22-89

NL 000039325

N 26065.07

THIS AGREEMENT, made and entered into this 26th day of November, 1969, by and between the County of Wayne, a Michigan Body Politic, hereinafter referred to as the "County" and the City of Detroit, a municipal corporation, hereinafter referred to as the "City";

WITNESSETH

WHEREAS, existing laws authorize the transfer of functions, responsibilities and health jurisdiction between two or more political subdivisions of this state, and

WHEREAS, both the City and the County presently operate Air Pollution Control programs, and

WHEREAS, it has been mutually agreed that Air Pollution Control may be more effectively administered on a County-wide basis, and

WHEREAS, it has been mutually agreed that the City's air pollution jurisdiction and program, including its personnel, should be transferred to the County,

NOW, THEREFORE, in consideration of the premises and the mutual undertakings of the parties hereto.

IT IS AGREED AS FOLLOWS:

1. That the City's jurisdiction over Air Pollution Control programs within the limits of the City of Detroit, as presently administered through the Bureau of Air Pollution Control of the Detroit Department of Health under the provisions of City of Detroit Ordinance 167-E, as amended, be and the same is hereby transferred to the County, to be administered by the Wayne County Department of Health;
2. That the activities so transferred include, by way of illustration, but not implying any limitation, plan examination; issuance of installation and operational permits, periodic inspection of existing fuel and refuse burning processes and air pollution control equipment, air quality measurement, complaint follow-up and surveillance, community air sampling, stack sampling, technical assistance, legal prosecution and public information and education, and all phases of air pollution control, regulation, and enforcement.
3. That the City endorses the use of State Capitation Funds in an amount of not less than \$221,000.00 per year to aid in the development of a comprehensive county-wide air pollution control program, which will include the City of Detroit, and which aforementioned Capitation Funds have previously been used principally for the purpose of supporting the City's Industrial Hygiene Programs, PROVIDED that it is understood that the City will not contribute any of its local funds from the program and that the said County program will be fully supported by State Capitation Funds, County funds, revenues from licenses, permits, inspection and other services, Federal grants, and any other available sources.
4. That the County shall retain any and all revenues accruing from annual inspection, permit, laboratory or other fees resulting from its activities within the City of Detroit.

APPENDIX 3.b.

NL 000039326

N 26065.08

5. That all employees of the City of Detroit Department of Health's Bureau of Air Pollution Control who so desire shall be transferred to and become employees of the County, subject to all rights and benefits of other County employees, in accordance with the provisions of the Wayne County Civil Service Commission resolution of August 4, 1967 relating to merger of health functions as implemented by the following express conditions:

(a) All employees of the City electing to transfer will be transferred to the Wayne County Division of Air Pollution Control and be assigned to work activities and responsibilities equal or more demanding in nature to fully capitalize on their existing training, skills and experience. In no case shall an employee be classified in a position paying less than his current earnings. In some cases, where desirable to take advantage of an employee's skills and experience, he may be transferred to a higher classification with corresponding salary adjustments.

(b) Seniority

The seniority of employees transferred to the County service shall be determined in accordance with the Rules and Regulations of the County Civil Service Commission for County employees. In calculating seniority, services rendered to the City of Detroit shall be construed as services to the County.

For the purpose of calculating Longevity Pay and Annual Leave Credits, service in the City of Detroit shall be considered as County service.

(c) Pension

1. Employees transferring to County service shall be entitled to retirement allowances from the CITY as specified in Title 9, Chapter 6, Article VI, Part H of the Detroit CITY Charter; Such CITY retirement allowances shall be computed in accordance with the formula in effect at the time of such retirement.

2. Such employees retirement allowance from the COUNTY shall be as specified by the COUNTY retirement regulations and laws which shall include provisions requiring that when the employees of the City of Detroit are transferred to the employ of the County of Wayne, by reason of a function or functions of the department being transferred to the County, the employees so transferred, who do not withdraw their accumulated contributions from the Retirement System of the City of Detroit, shall be entitled to use the credited service in force previously acquired as members of the Retirement System of the City of Detroit in meeting the service requirements for eligibility purposes for all retirement allowances or death benefits provided by the Wayne County Employees' Retirement System. In no case shall the credited service acquired in the employ of the City of Detroit be used in computing the amount of a retirement allowance or death benefits to be paid by the Wayne County Employees' Retirement System.

3. The COUNTY shall adopt such ordinances and regulations as are necessary to fully implement this agreement.

(d) Vacation

The County will assume credit of the existing vacation bank at time of transfer, but in no case shall this exceed 10 days. Any vacation credits in excess of 10 days will be paid in a lump sum cash payment to the employee by the City at a rate equivalent to his current City salary.

(e) Sick Leave

1. The City will maintain the sick leave credit which the individual has accumulated while a City employee and compensate him upon eventual retirement from County employ up to a maximum of 30 sick leave days.

2. If the employee should need immediate sick leave and has accumulated sick leave days in the City sick leave bank, these days will be used up to the time employee accumulated sick time in the County service. (The employee would be continued on the grant payroll.)

3. After establishing sick leave credits in the County any sick leave days used would first be charged to the County sick leave bank, or if not used would be credited to the sick leave bank in accordance with established County practices. Any sick leave days used by an employee in excess of the amount accumulated in the County would be charged to the accumulated sick leave days in the City.

(f) Any City employee who elects not to transfer to the County shall be offered an available comparable position for which he is qualified within the City service.

(g) That transferring City employees who are or would be eligible for longevity pay except for the fact that they will not be on the City payroll on December 1, 1968 shall, as part of the consideration for this agreement, be paid by the City a sum equal to the longevity payment for which they would have been eligible absent the transfer.

6. That all City-owned office, laboratory, field or air sampling equipment and supplies currently used by the Bureau of Air Pollution Control of the Detroit Department of Health shall, as part of the consideration for this agreement, be loaned at no cost to the Wayne County Health Department, Division of Air Pollution Control. In the event that this contract is terminated, such equipment which remains in serviceable condition shall be returned to the City of Detroit at no cost. The title to and possession of all motor vehicles and trailers presently assigned to the City's Bureau of Air Pollution Control shall, as part of the consideration for this agreement be transferred to the County Department of Health.

7. This agreement shall be effective on December 1, 1968 and shall remain in force until terminated by mutual agreement of the parties.

8. That the Wayne County Civil Service Commission shall develop classifications as necessary to allow the orderly transfer of City employees to the County.

9. In the event that State Capitation Funds and/or Federal Grant Funds are not made available to carry on the desired comprehensive County Air Pollution Control Program, the entire matter of County-wide Air Pollution Control shall be reassessed by the City and the County to determine possible levels of fiscal support and the program shall be adjusted to reflect the fiscal support available.

10. The contracting parties herein mutually agree to comply with the provisions of Act #251 P.A. 1955, as amended, and City of Detroit Ordinance 206-C insofar as they may be applicable.

11. This agreement shall be come binding on the parties hereto and of full force and effect upon the adoption of the resolutions approving this Contract by the Common Council of the City and by the Wayne County Board of Supervisors and upon the signing thereof by the duly authorized representative of the City and by the Board. This Agreement shall be executed in several counterparts and one of each such fully executed agreements shall be filed with each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials and their seals to be affixed hereto as of the day and year first above written.

CITY OF DETROIT, a Municipal Corporation

By Bernard T. Klein
Its Controller

And By Peergo Dickert
Health Commissioner

Board of Wayne County Supervisors

By John L. Campbell
Chairman

Board of Wayne County Auditors

By John D. Williams
Chairman

APPROVED AS TO FORM

Robert D. McCleary
CORPORATION COUNSEL

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE BEASLEY,
All minors,

Plaintiff,

No. 74-002-312 NO

-vs-

THE CITY OF DETROIT, A Municipal
Corporation, and N.L. INDUSTRIES,
INC. A New Jersey Corporation,
jointly and severally,

Defendant.

ANSWER OF N. L. INDUSTRIES, INC. TO
PLAINTIFF'S INTERROGATORIES

NOW COMES N. L. INDUSTRIES, INC., one of the defendants,
by its authorized representative, the undersigned, and for its
answers to interrogatories submitted by plaintiffs says:

1. Specifically identify each person who, directly
or indirectly, provided information in support of the allegations
in the Answer to the Interrogatories and, for each, briefly
identify the information so furnished.

Jack Roper, former Plant Manager, Detroit,
Gail Smullen, Plant Superintendant,
Beech Grove Plant, N. L. Industries;
Robert Glatz, Plant Manager, Cleveland plant,
N. L. Industries, Inc.;
Antoine Queri, former Plant Engineer, Detroit
Plant, N. L. Industries.

2. Identify each person, including experts, the
defendant plans on calling as a witness at the time of the trial and
for each, briefly identify the information he is to furnish.

All those persons named in answer to
Interrogatory No. 1. Walter Frazis, B. Baskin, Jane Powlski,
Regine Aranow, M. D., Peter Warner, Larry Chadwznski, Marvin
Shurman, Richard Skonieczny, Gene Darling, M.D., Julian Chisholm,
M.D., All those persons named in Children's Hospital Records on
plaintiffs; all those persons named in the records of the Wayne

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2450 BUNL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1146

NL 000039330

N 26065.09

County Air Pollution Control Bureau; T. Spencer, City of Detroit.
Lee Scott, City of Detroit, another examining physician to be
named.

3. Please state with particularity the purpose or
purposes of the baghouse located at defendant's plant at 4700
E. Nevada, Detroit, Michigan.

A. To remove particulate matter from emission
streams.

4. What are the effects of a broken, loose or
malfunctioned bag?

A. Particulate matter may possibly be drawn through
the baghouse into the stack. Efficiency of the baghouse may be
reduced minutely.

5. State the manufacturer of the "bags" used in
defendant's baghouse between January of 1965 and January 11, 1974.

A. We believe that the major portion of our bags
were purchased from Snow Filtration, Cincinnati, Ohio.

6. If you will do so without a motion to produce,
please furnish plaintiff's counsel with a copy of all purchase
orders for bags between the period of January, 1965 and
January 11, 1974.

A. No answer required.

7. Please state with particularity the defendant's
procedure for changing "bags" between the period of January, 1965
and January 11, 1975.

A. Two employees were assigned to the baghouse.
Each cell was checked in rotation for holes, wear, fatigue and
any accumulation of particulate matter adhering to the inside
of the bag. Any bag showing these signs would be changed.

8. Please state the name of the person and/or persons
who was charged with the responsibility of maintaining the
baghouse and changing the bags.

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2480 RUEL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1146

NL 000039331

A. As the Detroit plant has been sold, it is not known whether records would be available to obtain this information, but it is being checked and will be supplied if it can be obtained.

9. What was the inspection procedure for checking the condition of the baghouse and related equipment between the period of January, 1965 and January 11, 1974?

A. See answer to Interrogatory No. 7. In addition if there were blockage in the cyclones or other portions of the line, this would be indicated on the control panel.

10. If you will do so without a motion to produce, please furnish plaintiff's counsel with a copy of the schematic drawing of the plant (and/or drawings) for the period of January, 1965 and January 11, 1974.

A. No answer required.

11. Was the defendant's plant located at 4700 E. Nevada, Detroit, Michigan, permanently shut down?

A. Yes.

A. If the answer is in the affirmative, please state the exact date the plant shut down.

The plant was shut down in June, 1974 and sold.

B. If the plant in question shut down by mandate and/or by direction of a public governmental agency or quasi governmental agency, please advise the name of the agency and of the person or persons who directed said shut down.

The plant was not shut down by mandate or direction of a governmental agency.

12. When was the first opacity meter and/or meters installed at defendant's plant at 4700 E. Nevada, Detroit, Mich?

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2490 BUEL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1146

NL 000039332

A. As the plant was shut down and sold, records concerning opacity meters may not be available. A search is being conducted for the records and information will be made available as soon as it is obtained, if it is obtained.

13. Please state the manufacturer of said opacity meter and/or meters.

A. See answer to Interrogatory No. 12.

14. Please state the date said opacity meter and/or meters were purchased.

A. See answer to Interrogatory No. 12.

15. Please state the date said opacity meter and/or meters were installed.

A. See answer to Interrogatory No. 12.

16. Please state all subsequent installation, repairs and/or improvements to said opacity meter and/or meters.

A. See answer to Interrogatory No. 12.

A. No answer required.

B. No answer required.

17. Please state whether a public governmental agency or quasi governmental agency directed the installation of said opacity meter and/or meters.

A. See answer to Interrogatory N. 12.

18. Please state the purpose for the opacity meter and/or meters.

A. To inform the operator that something, whether it be particulate matter or vapor, is being emitted from the feed floor or the two stacks.

19. Please state with particularity each date on which defendant was tested for air contamination type problems.

A. That information in the records of the Wayne County Air Pollution Control Bureau and is equally available to the plaintiffs. We have no information other than contained in those records.

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2450 Buhl Building
DETROIT, MICHIGAN 48226
(313) 964-1146

NL 000039333

20. For each of the aforesaid dates referred to in Interrogatory No. 19, please state the person and/or agency conducting said tests.

A. See answer to Interrogatory No. 19.

21. For each of the aforesaid dates referred to in Interrogatory No. 19, please state the reason for said test procedure.

A. See answer to Interrogatory No. 19.

22. Please state with particularity the uncontrolled emission sources for the following years:

A. We know of no uncontrolled emission sources.

A. No answer required.

B. No answer required.

C. No answer required.

D. No answer required.

E. No answer required.

F. No answer required.

G. No answer required.

23. For each of the uncontrolled emission sources referred to in Interrogatory No. 22, please state specifically whether the uncontrolled emission sources were ducted to vent through baghouse.

A. See answer to Interrogatory No. 22.

24. Please state the date on which the aforesaid uncontrolled emission sources were ducted to vent through baghouse and the reason for said venting.

A. See answer to Interrogatory No. 22.

25. Please state approximately how long it would take the defendant to shut down the blast furnace for the following years.

A. 8 hours as to all years listed in sub-sections (a) through (g).

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2450 BUNL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1145

NL 000039334

26. Please state with particularity how many times the blast furnace was shut down during the period of 1968 through 1974, and the reasons for each shut down.

A. As the plant was shut down and sold, records concerning blast furnace shut downs are not immediately available, but a search is being conducted and, if available, the information will be supplied.

27. In regard to your Affirmative Defense which states "...the alleged cause of action of the plaintiffs or any injuries or damages occurring after November 1, 1973, are barred by the statute of limitations....", please state your statutory and common law authority in support of said allegation.

A. It is not the purpose of interrogatories to secure legal opinions.

28. Please state specifically all evidentiary facts, witnesses and documentation upon which you rely to prove the allegation contained in your Affirmative Defense as referred to in Interrogatory No. 27.

A. According to answers to interrogatories 5 supplied by the City of Detroit, the Beasley family moved into the premises on or about November 11, 1969, and any cause of action the plaintiff, Gladys Beasley may have had would have accrued to her on or about that date and under the applicable statute of limitations, should have been brought within three (3) years thereafter.

29. Please state each and every time the defendant was sued for the past ten years under a theory alleging that defendant had contaminated the air by admitting foreign substances.

A. The only such suit is the case of Peterson vs. N.L. Industries, Inc. et al of which plaintiff's counsel has knowledge.

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2400 WUHL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1146

NL 000039335

30. For each suit referred to in Interrogatory No. 29, please state the following:

A. Plaintiff's counsel has knowledge of all questions submitted in Interrogatory No. 30 including sub-sections (a) through (f).

31. State what warnings, if any, were given to defendant's employers at their plant, located at 4700 E. Nevada, Detroit, Michigan, with respect to any danger they may encounter by contaminated air for the past ten years.

A. Objection is made to the use of the term "contaminated" without a definition thereof. Employees were advised that they were working with lead and would have periodic medical monitoring and would have to wear protective equipment.

32. Please state how many workmen compensation cases have been filed by employees of the defendant for their plant located at 4700 E. Nevada, Detroit Michigan, for elevated blood levels or other physical problems associated with polluted and contaminated air.

A. Objection is made to the terms "polluted" and "contaminated" as no definition is given. As the Detroit plant was closed and sold, records concerning workmen's compensation cases may not be available. A search is being conducted and, if available, information will be supplied concerning Petitions for Hearing filed.

33. With respect to each case referred to in Interrogatory No. 29, please state the name and address of each claimant, the attorney representing each claimant, and the date the claim was instituted.

A. See answer to Interrogatory No. 32.

LAW OFFICES
MORBACH, CHEATHAM
& MACARTHUR
2480 BURL BUILDING
DETROIT, MICHIGAN 48226
(313) 964-1146

N. L. INDUSTRIES, INC.

BY:

John T. Kappeler
ASSISTANT SECRETARY

NL 000039336

WITNESSES

1. Roland Evans, M.A., CCC
- ✓ 2. Members of the Detroit Board of Education including, but not limited to, teachers and any other applicable personnel relating to the educational training of plaintiffs.
- ✓ 3. Any and all medical personnel and doctors who have examined the plaintiffs.
4. Dr. Hill
5. Dr. Glover
6. Dr. Lackey
7. Dr. Wyatt
- ✓ 8. Appropriate personnel from all Free Clinics
9. Applicable representatives who have rendered medical treatments to the plaintiffs.
10. Dr. Neal Levy
- ✓ 11. Appropriate personnel from the Wayne County Pollution Control Center
12. Lorraine Reedy
13. Louise Reese
- ✓ 14. Appropriate representatives of the State of Michigan, Dept. of Health
15. Samuel Gibbs
- ✓ 16. Appropriate representatives of Sojourner Truth Project
- ✓ 17. Appropriate representative of A & B Painting Co.
18. T. Spencer
19. Lee Scott
20. Gary Metzger, Ph.D.
21. Lee Scott
22. John Henderson, Ph.D.
23. Dave Lake, Ph.D.
- ✓ 24. Appropriate representatives of Sherwin Williams
- ✓ 25. Appropriate representatives of National Gypsum Company
26. Appropriate representatives of United States Gypsum
27. Appropriate representatives of Michigan Painting Co.
28. Appropriate representatives of Glidden-Durkee Division of SCM Corp.
29. All persons listed in Defendants Pre-Trial Statements
30. All necessary rebuttal witnesses
31. Vern Hunt
32. Mort Sterling
33. Don Campbell
34. Dr. Aronow
- ✓ 35. Appropriate representatives of Childrens Hospital - Lead Poison Clinic

Continued

NL 000039338

N 26065.1

- 36. Any and all medical personnel or any kind or nature who have done any tests with respect to the blood and urine of the plaintiffs.
- 37. K. Bae, M.D.
- 38. Any and all medical personnel conducting x-rays of the plaintiffs.
- 39. Dr. S. M. Rehman
- 40. Dr. J. O. Reed
- 41. Appropriate representatives of Detroit Housing Authority
- 42. M. Coleman, L.P.N.
- 43. Dr. Prasada
- 44. G. Gibbs
- 45. J. Jackson
- 46. Paint experts to be named when Defendant complies with prior discovery request
- 47. Appropriate representatives of Clima Tological Data
- 48. Mr. Belcher
- 49. All necessary records of Defendants, including but not limited to repair records.
- 50. Appropriate representatives of Michigan Industrial Hygiene Dept.
- 51. M. Mallack
- 52. Gail Smollen
- 53. Appropriate representatives of O.S.C.H.A.
- 54. Jean Palkowski - Public Health Department
- 55. E. J. Morantz - Combustion Equipment Supervisor
- 56. Michael Mulard - Public Health Engineer
- 57. Appropriate representatives of the applicable schools plaintiffs attended.
- 58. Roger Stulow - officer of Quality Planning and Standards
- 59. Appropriate representatives of Detroit Housing Commission
- 60. Appropriate representatives of the City of Detroit Fire Dept.
- 61. Appropriate representatives of the Comprehensive Health Services
- 62. Appropriate representatives of Quality Chemical Laboratories
- 63. Appropriate representatives of East Side Medical Lab
- 64. Gerald Penfil
- 65. Maurice Reizen
- 66. Appropriate representatives of Department of Natural Resources
- 67. Appropriate representatives of Blood lead screening program
- 68. Appropriate representatives of Detroit Health Department
- 69. Appropriate representatives of U.S. Public Health Service
- 70. P. Warner
- 71. H. Busch
- 72. Larry Chadzynski

Continued

NL 000039339

73. Mary Demicel
74. Richard Stoneczny
75. Marvin Schuman
76. Alvin L. Vander Kolk
77. William Wood
78. Sandra Schalderbrand
79. W. Jasiak
80. James Knack - City Planner
81. B. Wagner
82. R. Bower
83. John Strotkand
84. Larry Saad
85. Appropriate representatives of Lavin and Sons, Inc.
86. Appropriate representatives of Stilkarn Midland, Inc.
87. Appropriate psychologists and psychiatrists
88. All residence in the immediate area as to the applicable time
89. All parents and children tested by Sojourner Truth Project
90. Barbara Peterson

NL 000039340

2. Identify each person, including experts, the Defendant plans on calling as a witness at the time of the trial and, for each, briefly identify the information he is to furnish.

A: See this defendant's Final Pre-Trial statement for list of witnesses.

3. Please state when the premises known as 4803 Nevada, Detroit, Michigan, was built.

A: Construction of Sojourner Truth Homes, which includes 4803 Nevada, Detroit, Michigan, was completed on March 19, 1942.

4. Please state for the ten years prior to January 11, 1974, the dates when the interior of said residence known as 4803 Nevada, Detroit, Michigan, was painted and/or paint was removed.

A: As of November 3, 1969, ten gallons of paint were used under Central Maintenance Work Order #199374 for interior painting at 4803 East Nevada, including living room, kitchen, hall, bathroom and three bedrooms. The unit was leased to Mrs. Beasley, who moved in November 11, 1969. On February 5, 1973, the date a Lead Poison Control Notice was received, Work Order CT19075 was written for removal of paint from bathroom walls, all doors, sides facing hallway, sills in livingroom and bedrooms. The paint removal and re-painting was completed February 10, 1973.

A. For each date, please state the kind of paint used and the painting contractor involved.

A: Paint used by our staff for interior painting of the unit at 4803 East Nevada was Alkyd Resin, semi-gloss enamel, conforming to Federal Specification #TTE 508-B. No contractor was involved in the interior painting, according to our records.

5. Please state for the ten years prior to January 11, 1974, the dates when the exterior of said residence known as 4803 Nevada, Detroit, Michigan, was painted and/or paint was removed.

A. For each date, please state the kind of paint used and the painting contractor involved.

A: A & B Painting Company completed an exterior painting contract at Sojourner Truth including 4803 E. Nevada, between September 23, 1969, and December 22, 1969.

The types of paint used by the contractor were:

Metal Primer - Rust-oleum #769 damp-proof red primer, Sherwin Williams "PC Kromic Metal Primer" meeting Federal Specification TT-86c.

Wood Primer - Exterior acrylic latex primer, Sherwin Williams "A-100 Undercoater", National Gypsum Company "Gold Bond BSR Primer" meeting Federal Specification TT-P-25a.

Finish Coat - Exterior type latex paint, Sherwin Williams "A-100 Latex Exterior Paint", National Gypsum "Gold Bond Acrylic House Paint, United States Gypsum's "USG Latex House Paint".

Between February 5, 1973, and February 10, 1973, loose paint was scraped from the building exterior at 4803 E. Nevada under Work Order #CT19075, by Housing staff. Between June 8, 1973, and September 25, 1973, exterior walls were spackled by Housing staff. Health Inspector's report states, "hazard greatly reduced."

The exterior of 4803 E. Nevada was painted by Michigan Painting Company as of November 26, 1974. This contractor used the following types of paint on this job:

Metal Primer - Epoxy metal primer or zinc chromate HUD-HM Specification No. 2 - Glidden-Durkee Division of SCM Corp.

Wood Primer - Oil base (alkyd) Federal Specification TT-R-266 and TTP-381, Glidden-Durkee Division of SCM Corp.

Finish Coat - Oil base (alkyd) Federal Specification TT-R-266c, type 1, Class B, Glidden-Durkee Division of SCM Corp.

THE CITY OF DETROIT, a
Municipal corporation

By /s/ Theodore Spencer
Theodore Spencer
Assistant Superintendent of Housing

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss.

THEODORE SPENCER, being first duly sworn, deposes and says that he is the Assistant Superintendent of Housing of the City of Detroit, a Municipal Corporation; that while he does not have personal knowledge of all of the facts recited in said Answers to Plaintiffs' Interrogatories, the information contained in the foregoing Answers to Plaintiffs' Interrogatories has been collected and made available to him by others, and said answers are true to the best of his knowledge and belief based upon the information made available to him; and, that therefore the foregoing Answers to Interrogatories propounded by the City of Detroit are verified on behalf of the City of Detroit in this litigation.

/s/ Theodore Spencer
Theodore Spencer
Assistant Superintendent of Housing
City of Detroit

Subscribed and sworn to before me
this 31st day of March, 1977.

/s/ Robert R Connelly
Notary Public, Wayne County, Michigan
My Commission Expires 11-29-79

NL 000039344

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE
BEASLEY, all minors

-vs-

THE CITY OF DETROIT, a Municipal
Corporation, and N.L. INDUSTRIES, INC.
a New Jersey Corporation, Jointly and
Severally,

No: 74-002312 NO

INTERROGATORIES TO DEFENDANT

TO: N. L. INDUSTRIES, INC.

PLEASE TAKE NOTICE that the following interrogatories are submitted to you under the provisions of Michigan General Court Rule 309 and the various subsections thereof.

You are required to file answers to the interrogatories within fifteen (15) days, under oath, after service of them upon you, the original answers to be filed with the Court and a copy thereof to be served upon plaintiff's counsel.

The answers should be signed and sworn to by the person making answer to the interrogatories.

When used in these interrogatories, the term "defendant" or any synonym thereof is intended to and shall embrace and include in addition to said defendant, all agents, servants and employees, representatives, private investigators or others who may have obtained information for or on behalf of the defendant.

These interrogatories shall be deemed continuing and supplemental answers shall be required immediately upon receipt thereof if the defendant directly or indirectly obtains further or different information from the time answers are served to the time of trial.

NL 000039345

N 26065.12

1. Specifically identify each person who, directly or indirectly, provided information in support of the allegations in the Answers to the Interrogatories and, for each, briefly identify the information so furnished.

2. Identify each person, including experts, the Defendant plans on calling as a witness at the time of the trial and, for each, briefly identify the information he is to furnish.

3. Please state with particularity the purpose or purposes of the baghouse located at Defendant's plant at 4700 E. Nevada, Detroit, Michigan.

4. What are the effects of a broken, loose or malfunctioned bag?

5. State the manufacturer of the "bags" used in Defendant's baghouse between January of 1965 and January 11, 1974.

6. If you will do so without a motion to produce, please furnish Plaintiff's counsel with a copy of all purchase orders for bags between the period of January, 1965 and January 11, 1974.

7. Please state with particularity the Defendant's procedure for changing "bags" between the period of January, 1965 and January 11, 1974.

8. Please state the name of the person and/or persons who was charged with the responsibility of maintaining the baghouse and changing the bags.

9. What was the inspection procedure for checking the condition of the baghouse and related equipment between the period of January 1965 and January 11, 1974.

*Open
Inquiry*

4/3/68

10. If you will do so without a motion to produce, please furnish Plaintiff's counsel with a copy of the schematic drawing of the plant (and/or drawings) for the period of January, 1965 and January 11, 1974.

11. Was the Defendant's plant located at 4700 E. Nevada, Detroit, Michigan, permanently shut down?

- A. If the answer is in the affirmative, please state the exact date the plant shut down.
- B. If the plant in question shut down by mandate and/or by direction of a public governmental agency or quasi governmental agency, please advise the name of the agency and of the person or persons who directed said shut down.

12. When was the first opacity meter and/or meters installed at Defendant's plant at 4700 E. Nevada, Detroit, Michigan?

13. Please state the manufacturer of said opacity meter and/or meters.

14. Please state the date said opacity meter and/or meters were purchased.

15. Please state the date said opacity meter and/or meters were installed.

16. Please state all subsequent installation, repairs and/or improvements to said opacity meter and/or meters.

A. If the answer is in the affirmative, please state the manufacturer of each opacity meter and/or meters in each instance.

B. Please state the date said opacity meter and/or meters were installed or improved or repaired in each instance.

17. Please state whether a public governmental agency or quasi governmental agency directed the installation of said opacity meter and/or meters.

18. Please state the purpose for the opacity meter and/or meters.

19. Please state with particularity each date on which Defendant was tested for air contamination type problems.

20. For each of the aforesaid dates referred to in Interrogatory No. 19, please state the person and/or agency conducting said tests.

21. For each of the aforesaid dates referred to in Interrogatory No. 19, please state the reason for said test procedure.

22. Please state with particularity the uncontrolled emission sources for the following years:

- a. 1968
- b. 1969
- c. 1970
- d. 1971
- e. 1972
- f. 1973
- g. 1974

23. For each of the uncontrolled emission sources referred to in Interrogatory No. 22, please state specifically whether the uncontrolled emission sources were ducted to vent through baghouse.

24. Please state the date on which the aforesaid uncontrolled emission sources were ducted to vent through baghouse and the reason for said venting.

25. Please state approximately how long it would take the Defendant to shut down the blast furnace for the following years:

- a. 1968
- b. 1969
- c. 1970
- d. 1971
- e. 1972
- f. 1973
- g. 1974

26. Please state with particularity how many times the blast furnace was shut down during the period of 1968 through 1974, and the reasons for each shut down.

27. In regards to your Affirmative Defense which states: ". . . the alleged cause of action of the Plaintiffs or any injuries or damages occurring after November 1, 1973, are barred by the Statute of Limitations . . .", please state your statutory and common law authority in support of said allegation.

28. Please state specifically all evidentiary facts, witnesses and documentation upon which you rely to prove the allegation contained in your Affirmative Defense as referred to in Interrogatory No. 27.

29. Please state each and every time the Defendant was

sued for the past ten years under a theory alleging that Defendant had contaminated the air by admitting foreign substances.

30. For each suit referred to in Interrogatory No. 29, please state the following:

- a. Which court the suit was instituted.
- b. Case number of each suit.
- c. The name and address of Plaintiff
- d. The name and address of Plaintiff's attorney
- e. The date said suit commenced
- f. What suits, if any, are presently pending

31. State what warnings, if any, were given to Defendant's employers at their plant located at 4700 E. Nevada, Detroit, Michigan, with respect to any danger they may encounter by contaminated air for the past ten years.

32. Please state how many workmen compensation cases have been filed by employees of the Defendant for their plant located at 4700 E. Nevada, Detroit, Michigan for elevated blood levels or other physical problems associated with polluted and contaminated air.

33. With respect to each case referred to in Interrogatory No. 29, please state the name and address of each claimant, the attorney representing each claimant, and the date the claim was instituted.

BARRON AND KNOPPOW

By: Ronald M. Barron
Attorney for Plaintiffs
3001 W. Big Beaver Suite 326
Troy, Michigan 48084
-6- 649-2828

NL 000039350

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Plaintiff(s),

-vs-

No: 74-002312 NO

PROOF OF SERVICE

Defendant(s),

Sylvia Misener, being first duly sworn, deposes and says that on the 7 day of January, 19 77, she served a true copy of Interrogatories to Defendants

of which the annexed is the original, upon

Syl Delaney

G. Cameron Buchanan

1010 City County Building

755 West Big Beaver #1707

Detroit, Michigan

Troy, Michigan

in the above entitled matter, by enclosing same in a sealed envelope with postage fully prepaid thereon and deposited same in a United States Mail Receptable located in the City of Troy, Michigan.

Subscribed and sworn to before me

Sylvia Misener

this 7 day of Jan , 19 77

Eileen Terman - Oakland County
My Commission Expires: 10-11-77

NL 000039351

N 26065.13

STATE OF MI

IN THE CIRCUIT COURT F

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
Et al,

Plaintiffs

-vs-

THE CITY OF DETROIT, a Municipal
Corporation, and N.L. INDUSTRIES,
INC., a New Jersey Corporation,
Jointly and Severally,

Defendants

ANSWERS TO INC

NOW COMES GLADYS BEASLEY and
INDUSTRIES, INC's Interrogatories,

1. Brian Beasley - born 5/26
Monique Beasley - born 2/
Derek Beasley - born 7/13
Steven Beasley - born 3/2
Wendell Beasley - born 9/

(a) Wendell - Dr. Hill -
Steven - Dr. Glover
Brian - Dr. Lacky -
Do not remember the ot

(b) Free Clinic - *Cm*

(c) Free Clinic -

2. Reports furnished

3. Dr. Neal Levi - *Red*
Mr. Roland Evans, Speech

4. Inadmissible and irreleva

5. Dr. Neal Levi
Mr. Roland Evans, Speech
Comprehensive Health Serv

LAW OFFICES BARRON AND KNOPPOW, 3001 WEST BIG BEAVER ROAD, SUITE 320, TROY, MICHIGAN 48064, (313) 649-2828

N 26065.14

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
ET AL

Plaintiffs,

-vs-

No: 74 002 312 NO

THE CITY OF DETROIT, a Municipal
Corporation, and NL INDUSTRIES,
INC., a New Jersey Corporation,
jointly and severally,

JUDGE WILLIAM CAHALAN
P11509

Defendants.

Ronald M. Barron P10493
Attorney for Plaintiffs

James H. Daniel P23376
Attorney for City of Detroit

G. Cameron Buchanan P11340
Attorney for NL Industries, Inc.

INTERROGATORIES TO GLADYS BEASLEY,
PLAINTIFF.

TO: GLADYS BEASLEY
Plaintiff

RONALD M BARRON
Attorney for Plaintiffs
3001 West Big Beaver Road, Suite 326
Troy, Michigan, 48084

Demand is hereby made upon you to answer the
following Interrogatories, the same under oath and in writing,
and to serve a copy of your Answers upon G. Cameron Buchanan,
Suite 1707, 755 West Big Beaver Road, Troy, Michigan, 48084,
within fifteen (15) days of service of these Interrogatories upon
you.

1. State the date and place of birth of your
children, STEVEN BEASLEY, BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE BEASLEY;

(a) State the name of the Obstetrician;
(b) State the name of the Pediatrician who saw the children prior to their examination, treatment and hospitalization at Childrens' Hospital the first time.

(c) State the names of all pediatricians and physicians who saw each of the children prior to their examination, treatment and hospitalization at Childrens' Hospital the first time furnishing the dates of care and treatment and the address of each physician.

2. State the names and addresses of all physicians who treated each of the children at Childrens' Hospital and the dates of treatment.

3. State the name or names and addresses of all physicians who saw or treated all of the plaintiffs since they were last seen at Childrens' Hospital.

4. State the names of all physicians that treated you, Gladys Beasley, giving their names and addresses and present location from the time of your marriage to the father of the children, co-plaintiff, to the present time.

5. State whether or not any of the children have had any medical attention since July of 1975, and if so, state where and by whom.

6. State the names, addresses, qualifications of all expert opinions that you have received and do not expect to use on the trial of this cause.

7. State the names, addresses, qualifications of all physicians that you propose to use on the trial of this cause.

8. State the names, addresses, qualifications of all physicians whose opinions, oral or written that you have received that you do not expect to use on the trial of this cause as witnesses.

9. State the names of all lay witnesses that you propose to call as witnesses at the time of trial of this cause.

10. State whether or not you will attached to your answer to these interrogatories all written reports which you have received from all physicians and all experts.

11. If you answer the foregoing interrogatory in the negative state the reasons why you will not attach the reports and opinions.

BUCHANAN, OGNE AND JINKS P.C.

BY: _____
G. Cameron Buchanan P11340
Suite 1707, 755 W. Big Beaver Road
Troy, Michigan, 48084
362-3707

November 24, 1976.

NL 000039357

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY, ET AL

Plaintiffs,

-vs-

No: 75 002 312 NO

THE CITY OF DETROIT, a Municipal
Corporation, and NL INDUSTRIES, INC.,
a New Jersey Corporation, jointly
and severally,

JUDGE WILLIAM CAHALAN
P11509

Defendants.

Ronald M. Barron P10493
Attorney for Plaintiffs

Sylvester Delaney P23690
Attorney for City of Detroit

G. Cameron Buchanan P11340
Attorney for NL Industries, Inc.

REQUEST FOR PRODUCTION OF DOCUMENTS

Now comes the Defendant, NL INDUSTRIES, INC., a New Jersey Corporation, by and through its Attorneys, BUCHANAN, OGNE AND JINKS P.C., and pursuant to 1963 MGCR 309 requests that plaintiff, Gladys Beasley, voluntarily produce without an order of the Court the following documents in the offices of Buchanan, Ogne and Jinks P.C., Suite 1707, 755 West Big Beaver Road, Troy, Michigan, within 15 days of the date of this request all documents, as hereinafter defined in possession of Plaintiffs, their Attorneys, Agents, Experts or representatives.

2. As used herein, the singular shall include the plural and "DOCUMENT" shall have its customary broad meaning and shall include, without limitation, the following items, whether printed, recorded, or reproduced by any other mechanical process, or written or produced by hand, and whether or not claimed to be privileged against discovery on any ground: communications, correspondence; letters; medical

records, physicians reports; reports of experts; reports of witnesses, summaries or records of telephone conversations; summaries or records of personal conversations or interviews; statistical statements; graphs; laboratory reports; records of conferences; lists or persons attending meetings or conferences; reports and/or summaries of investigations; opinions or reports of consultants; opinions of counsel; records, photographs, brochures, pamphlets; drafts of any documents; original or preliminary notes; marginal comments appearing on any document; stenographic or stenotype notes; any voice recording whether on a tape or a record.

BUCHANAN, OGNE AND JINKS P.C.

BY: _____
G. Cameron Buchanan Pl1340
Attorney for NL Industries Inc.
Suite 1707, 755 W. Big Beaver Road
Troy, Michigan, 48084
362-3707

November 24, 1976

RECEIVED
MAY 3 1976
Alexander, Buchanan & Seavitt

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, ET AL

PLAINTIFF(S)

-VS-

CITY OF DETROIT & N & L
INDUSTRIES, INC.

DEFENDANT(S)

RECEIVED MAY 3 1976

CIVIL ACTION NO. 74 002 312 NO

NOTICE

TO: MR. G. CAMERON BUCHANAN
2217 FIRST NATIONAL BLDG.
DETROIT, MICHIGAN 48226

MR. ALVIN R. DAVIDSON
1010 CITY COUNTY BLDG.
DETROIT, MICHIGAN 48226

ATTORNEY(S) FOR DEFENDANT

ATTORNEY(S) FOR CO-DEFENDANT

PLEASE TAKE NOTICE that on the 7TH day of MAY
19 76, at the hour of 10:15 A.M., the deposition of the
DETROIT BOARD OF EDUCATION

will be taken before a Notary Public, or other officer authorized to
administer oaths, at ROOM 1500, GUARDIAN BUILDING, DETROIT, MICHIGAN,
pursuant to the provision of Rule 305 of the Michigan General Court
Rules. The undersigned counsel does not propose to interrogate the
deponent, the proceeding being solely for the purposes of copying
records and documents, described in the attached copy of Subpoena,
in the possession or control of the deponent. You, of course, are
welcome to appear if you so desire. If you have any objection to
the copying of the records and documents please call 965-5040.

THERE WILL BE NO INTERROGATION OF THE DEPONENT
BY THE UNDERSIGNED COUNSEL

BY: MR. RONALD BARRON
P-10493

BARRON & KNOPPOW
3001 W. BIG BEAVER RD., STE. 326
TROY, MICHIGAN

ATTORNEY(S) FOR PLAINTIFF

G. NICK DARA; being first duly sworn, on oath states that
a copy of the above notice was mailed/delivered by the undersigned
to the above named this 29TH day of APRIL, 19 76 at P.M.

Subscribed and sworn to before me this

29TH day of APRIL, 19 76.

Elizabeth Ann Dillon
Notary Public
ELIZABETH ANN DILLON
Notary Public, Wayne County, Mich
My Commission Expires 11-1-77

NL 000039360

N 26065.18

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, ET AL

Plaintiff

Civil Action

vs.

No. 74 002 312 NO

CITY OF DETROIT & N & L INDUSTRIES,
INC.

Defendant

SUBPOENA *DUCES TECUM

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO KEEPER OF THE RECORDS, DETROIT BOARD OF EDUCATION, 5057
WOODWARD AVE., DETROIT, MICHIGAN 48202

A NOTARY PUBLIC

You are commanded, to appear before ~~XXXXXX~~ for the County of Wayne at ~~XXXXXX~~
GUARDIAN
Room No. 1500 in the ~~XXXXXX~~ Building, City of Detroit, Wayne County, on FRIDAYthe 7TH day of MAY A.D., 19 76, at 10:15 o'clock in the FORE noon,
to testify and give evidence in a certain cause now pending in said Court, ~~XXXXXX~~~~XXXXXX~~ between GLADYS BEASLEY, ET AL
Plaintiff(s) and CITY OF DETROIT
& N & L INDUSTRIES, INC. Defendant(s)

on the part of the PLAINTIFF

And for a failure to attend you will be deemed guilty of a Contempt of said Court and will be liable to pay
all loss and damage sustained thereby to the party aggrieved, together with the sum of Two Hundred
Fifty Dollars in addition thereto.Witness, the Hon. JAMES N. CANHAM, Presiding Judge,
and the seal of said Court, at the Court House, in the City
of Detroit, Wayne County, Michigan, thisBARRON & KNOPPOW
BY: MR. RONALD BARRON P-10493S for PLAINTIFF
3001 W. BIG BEAVER RD. STE. 326
TROY, MICHIGAN

Business Address

Phone No. 965-2737

29TH day of APRIL 19 76

JAMES R. KILLEEN, Clerk of the Circuit Court

Deputy Clerk

*AND YOU ARE THEN AND THERE COMMANDED TO BRING WITH YOU:
ANY & ALL RECORDS FROM THE DETROIT BOARD OF EDUCATION PERTAINING TO:
1. BRIAN BEASLEY - DOB: 5/26/68
a. ATKINSON ELEMENTARY
b. PERKMAN ELEMENTARY
** SEE ATTACHED RIDER

NL 000039361

N 26065.19

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, ET AL

Plaintiff

Civil Action

vs.

No. 74 002312 80

THE CITY OF DETROIT & H & L
INDUSTRIES, INC.

Defendant

****RIDER**

2. MONIQUE BEASLEY - DOB: 2/1/71
PASTURE ELEMENTARY
3. STEVEN BEASLEY - DOB: 3/22/63
 - a. BROOKS JR. HIGH
 - b. ATKINSON
4. DERRICK BEASLEY - DOB: 7/13/65
ATKINSON
5. WENDELL BEASLEY - DOB: 9/27/60
 - a. ATKINSON ELEMENTARY
 - b. FARWELL JR. HIGH
6. TINA PETERSON - DOB: 5/6/67
ATKINSON

& ANY & ALL OTHER RECORDS.
THIS SUBPOENA IS FOR THE PURPOSES OF COPYING ONLY.

NL 000039362

N 26065.2

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, ET AL

PLAINTIFF(S)

-VS-

CIVIL ACTION NO. 74 002312 NO

THE CITY OF DETROIT & N & L
INDUSTRIES, INC.

DEFENDANT(S)

NOTICE

TO:

MR. ROBERT H. GOLDEN
MR. PETER DOZORC
17220 W. TWELVE MILE ROAD
SOUTHFIELD, MICHIGAN 48075

MR. JAMES DANIEL
1010 CITY COUNTY BLDG.
DETROIT, MICHIGAN

ATTORNEY(S) FOR PLAINTIFF

ATTORNEY(S) FOR CO-DEFENDANT

PLEASE TAKE NOTICE that on the 6TH day of NOVEMBER,
1975, at the hour of 11:00, A.M., the deposition of the
CHILDRENS HOSPITAL

will be taken before a Notary Public, or other officer authorized to
administer oaths, at ROOM 1500, GUARDIAN BUILDING, DETROIT, MICHIGAN,
pursuant to the provision of Rule 305 of the Michigan General Court
Rules. The undersigned counsel does not propose to interrogate the
deponent, the proceeding being solely for the purposes of copying
records and documents, described in the attached copy of Subpoena,
in the possession or control of the deponent. You, of course, are
welcome to appear if you so desire. If you have any objection to
the copying of the records and documents please call 965-5040.

THERE WILL BE NO INTERROGATION OF THE DEPONENT
BY THE UNDERSIGNED COUNSEL

ALEXANDER, BUCHANAN & SEAVITT
BY: MR. G. CAMERON BUCHANAN P-11340
2217 FIRST NATIONAL BLDG.
DETROIT, MICHIGAN

ATTORNEY(S) FOR DEFENDANT

BRUCE E. SCHMIDT, being first duly sworn, on oath states that
a copy of the above Notice was mailed/delivered by the undersigned
to the above named this 23RD day of OCTOBER, 1975 at P.M.

Bruce E. Schmidt

Subscribed and sworn to before me this

23 RD day of OCTOBER, 1975

ELIZABETH ANN DILLON

Notary Public, Wayne County, Mich

My Commission Expires 11-7-77

Notary Public

NL 000039364

N 26065.21

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and as
Next Friend of STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY, and MONIQUE
BEASLEY, all minors

Plaintiffs,

-vs-

No: 74 002 312 NO

THE CITY OF DETROIT, a Municipal
Corporation, and N. L. INDUSTRIES,
INC., a New Jersey Corporation,
jointly and severally,

Defendants.

ANSWERS TO INTERROGATORIES PROPOUNDED
BY PLAINTIFF TO DEFENDANT, N L
INDUSTRIES, INC.

Now comes N L INDUSTRIES, INC., a New Jersey Corporation
by its duly authorized representative, the undersigned, and
makes Answer to Interrogatories heretofore propounded by the
Plaintiff for Answer to this defendant.

1. Reference is made to your answer to plaintiff's
Complaint, paragraph 5 of Count I, and in that regard, state:

A. Address of plant of Sitkin Midland, Inc. and
in regard to that plant:

ANSWER: The address of the plant of Sitkin
Midland, Inc. as listed in the Detroit
telephone directory is:
13535 Helen Street, Detroit, Michigan.

1. What processes of manufacture are used there

ANSWER: N L Industries, Inc. has no direct
knowledge of what processes of
manufacture are used at Sitkin Midland, Inc.

2. What lead is smelted there and from what source
and to what product

ANSWER: N L Industries, Inc. has no direct
knowledge of what lead is smelted at
Sitkin Midland, Inc. or from what source
or product lead is derived

3. Exactly what knowledge you have of lead
precipitated into the air from this plant

ANSWER: N L Industries, Inc. has no direct knowledge
of lead precipitated into the air from
this plant.

-1-

NL 000039365

N 26065.22

B. Address of N. R. Lavin & Sons, Inc., and in regard to that plant:

The exact address of R. Lavin & Sons, Inc. at the time of the occurrence out of which the plaintiff's alleged cause of action arose is not known by N L Industries, Inc.

1. What processes of manufacture are used there

ANSWER: N L Industries, Inc. has no direct knowledge of what processes of manufacture was used at R. Lavin & Sons, Inc.

2. What lead is smelted there and from what source and to what product

ANSWER: N L Industries, Inc. has no direct knowledge of what lead was smelted at R. Lavin & Sons, Inc. or from what source or product the lead was derived

3. Exactly what knowledge you have of lead precipitated into the air from this plant

ANSWER: N L Industries, Inc. has no direct knowledge of lead precipitated into the air from the plant occupied by R. Lavin & Sons, Inc. at the time of the alleged occurrence out of which this litigation arises.

2. Reference is made to your plant complained of in plaintiff's Complaint and in regard to that plant state:

A. What air pollution controls are maintained inside the plant building

ANSWER: The following air pollution controls are maintained inside the plant building of N L Industries, Inc. facility located at 4700 East Nevada Ave.:

1. sanitary exhaust system consisting of hoods and duct work
2. sanitary baghouse
3. dross receptacle - hooded to sanitary system
4. second sanitary exhaust system consisting of a hood, duct work and baghouse
5. central vacuum system
6. propane-powered vacuum sweeper (Tennant)

B. What air pollution controls are maintained in your manufacturing or smelting process and in regard to each such control:

ANSWER: The following air pollution controls are maintained in the manufacturing or smelting process at N L Industries, Inc. facility located at 4700 East Nevada Ave.:

1. 1 natural gas-fired afterburner
2. 1 settling chamber
3. 3 air-cooled cyclones
4. 3 settling boxes
5. 1 metallurgical baghouse

1. How many times in the last four (4) years has it broke down or malfunctioned

ANSWER: The only knowledge or evidence that N L Industries, Inc. has as to a break-down or malfunctioning of the air pollution controls in the manufacturing or smelting process in the last four years is

APC Notice 23545 dated 2/5/74 which could be construed as a malfunction of the metallurgical baghouse.

2. What tests have been conducted to determine how much lead escapes your plant into the air, and in regard to each test, state (a) date and by whom conducted and (b) results

ANSWER: Particulate emission testing of the metallurgical baghouse have been conducted to determine compliance with Wayne County Air Pollution Control Division rules and regulations. Analysis of the particulate data for percentage lead yields an emission rate for lead. The results of this testing including the date and by whom conducted are contained in Appendix I.

3. That air pollution control or prevention machinery and/or equipment do you have in any plant of yours not located and operating also in your plant herein complained of.

ANSWER: The control techniques employed at this Detroit plant of N L Industries, Inc. are similar to those employed at other smelters operated by N L Industries, Inc. comprising blast (cupola) furnace and pot furnace operations.

4. Have you ever conducted any inquiry or test of any kind, or had any inquiry or test conducted for you in regard to the quality of air on your plant property inside and/or outside your plant, building, and if so:

A. By whom conducted

B. When

C. With what results or findings.

D. With what recommendations.

ANSWER: Ambient air quality monitoring (high-volume air sampling) has been conducted inside the plant property by both N L Industries, Inc. and State of Michigan Department of Public Health. The results of the testing by N L Industries, Inc. are contained in Appendix II. Appendix IIA. consists of a scaled down drawing of the plant indicating the various locations referred to in Appendix II. The test results from the State of Michigan Department of Public Health are contained in Appendix III and IV. N L Industries, Inc. has neither conducted any inquiry or test of any kind, nor had any inquiry or test conducted for it in regard to the quality of air outside its plant property.

No recommendation resulted from the inquiries or tests conducted by N L Industries, Inc. The tests run by the State of Michigan Department of Public Health between January 12, 1973 and February 1, 1973 resulted in the following recommendations:

1. Future consideration should be given to wet sweeping rather than dry.
2. All dust leaks must be repaired immediately.
3. No open containers of lead dust or dross should be allowed to exist in or about the plant property.

Tests conducted by State of Michigan, Department of Public Health on October 17, 1973 resulted in the following recommendations:

1. Increased enforcement of the use of respirators during material handling, tapping and pouring operations.

2. Complete installation of air supplied hoods in front and loaders.

3. Initiate installation of material handling facility for unloading, storing, and conveying raw materials within enclosures provided with exhaust ventilation.

4. Theslag breaking operation should also be provided with exhaust hood to control the dust.

5. Provide furnace tapping port designed to minimize ~~fine~~ ^{Flame} particles outside the furnace.

N L Industries, Inc.

BY: T. P. Mesick
T. P. Mesick, Secretary of
N L Industries, Inc.

STATE OF NEW YORK)
) ss
NEW YORK COUNTY)

T. P. MESICK being first duly sworn, deposes and says that he is Secretary of N L Industries, a New Jersey Corporation, has authority to and does make Answers to Interrogatories heretofore propounded by the plaintiff as hereabove set forth and that the Answers to the Interrogatories are true to the best of Affiant's knowledge and belief from information gathered from various individuals, and statistics at the defendant corporation offices.

T. P. Mesick
T. P. Mesick

Sworn to before me this
26th day of August, 1974.

John T. Rafferty
Notary Public, New York County, New York
My Commission expires March 30 1975

JOHN T. RAFFERTY
Notary Public, State of New York
No. 24-3195855
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1975

ALEXANDER, BUCHANAN & SEAVITT

BY:
Attorneys for N L Industries, Inc.
2217 First National Building, Detroit Mich.
965-2310

APPENDIX I

EMISSIONS TESTING DATA

<u>Location</u>	<u>Date</u>	<u>By Whom Conducted</u>	<u>Test Method</u>	<u>Emissions</u>	
				<u>Part., lb/hr.</u>	<u>Lead, lb/hr.</u>
Metallurgical Baghouse stack	10/25/73	NL Industries, Inc.	EPA Method #5, FRV-247	4.44	0.54
ditto	10/26/73	NL Industries, Inc.	EPA Method #5 FRV-247	7.38	1.85
ditto	11/6/73	Wayne County -APCD	Wayne County Method	12.1	1.75
ditto	11/6/73	NL Industries, Inc.	EPA Method #5 FRV-247	5.27	0.64

NOTE: In February or March of 1974 Wayne County further ran particulate emission testing. The inspector for Wayne County, Sam Gibbs, informed the plant supervisor, Gale Smullen, that the results of said tests were in compliance with their standards. The policy of Wayne County is not to release test results unless there is non-compliance with the applicable standards and consequently NL Industries, Inc. does not possess the specific details as to these tests which we passed.

N 26065.23

NL 000039370

APPENDIX II

HIGH VOLUME AIR SAMPLING CONDUCTED

by N L INDUSTRIES, INC.

<u>DATE</u>	<u>LOCATION</u>	<u>CONCENTRATION OF LEAD IN AIR MICROGRAMS PER CUBIC METER</u>
5/14/71	#19	41
5/17/71	# 2	91
5/18/71	# 5	123
5/19/71	# 4	214
5/20/71	# 6	499
5/21/71	# 7	619
5/24/71	# 9	606
5/25/71	#10	143
5/26/71	#18	135
5/27/71	#11	210
6/ 2/71	# 3	67
6/ 3/71	#11	36
6/ 4/71	#12	233
6/ 7/71	#	38
5/ 2/72	#15	20
5/ 3/72	#10	590
5/ 4/72	#12	485
5/ 5/72	#21	59
5/ 6/72	# 4	144
5/10/72	#14	632
5/12/72	# 6	77
5/12/72	#11	590
5/12/72	# 9	361
6/14/72	# 2	130
6/15/72	# 3	74
6/19/72	#20	121
6/20/72	#18	259
6/21/72	#16	172
6/22/72	#17	263
6/23/72	# 5	414
11/2/72	#19	41
11/3/72	# 5	201
11/9/72	# 9	1154
11/11/72	#12	321
11/13/72	#17	123
11/18/72	#11	399
11/22/72	# 9	232
12/4/72	# 1	185
12/5/72	# 2	95
12/8/72	# 3	87
12/10/72	# 4	195
12/15/72	# 5	244
12/16/72	# 6	275
12/18/72	# 7	255

N 26065.24

NL 000039371

DATE	LOCATION	No.	CONCENTRATION OF LEAD IN AIR MICROGRAMS PER CUBIC METER	CONC OF LEAD IN AIR
1/ 3/73		17	177	
1/ 5/73		15	357	
1/ 6/73		16	401	
1/ 7/73		20	35	
1/14/73		19	77	
1/21/73		12	297	
1/22/73		11	309	
2/11/73		3	95	
2/15/73		4	195	
2/17/73		5	299	
2/18/73		12	355	
5/2 2/24/73		6	411	
2/25/73		9	375	
2/26/73		10	309	
12/10/73		1	93	
12/11/73		1	58	
12/12/73		1	455	
2/19/74		11	194	
2/20/74		5	26	
2/21/74		5	357	
4/ 9/74		6	136	
4/ 9/74		5	148	
4/ 9/74		6	524	
5/ 3/74		17	252	
5/ 3/74		11	175	
5/ 3/74		5	152	

NL 000039372

APPENDIX III

TEST RESULTS FROM STATE OF MICHIGAN
DEPARTMENT OF PUBLIC HEALTH CONDUCTED
BETWEEN JANUARY 12, 1973 & FEBRUARY 1, 1973

<u>Sample No.</u>	<u>Location and Remarks</u>	<u>Milligrams of Lead per cubic meter of air</u>
	MAXIMUM ALLOWABLE CONCENTRATION -----	0.20
268	General air, approximately 8 feet north of the cupola hopper	.909
223	General air, taken approximately 8 feet north of the cupola hopper	.756
220	General air, collected just outside of the plant supervisor's office on the north side of the plant	.037
NL 22	Breathing zone, sweeping machine operator, inside of the helmet of the "white cap" filtered air	.047
NL 15	Sweeping machine operator. Sample collected just outside of the "white cap" unfiltered air	2.99

N 26065.25

NL 000039374

APPENDIX IV

TEST RESULTS FROM STATE OF MICHIGAN
DEPARTMENT OF PUBLIC HEALTH CONDUCTED
ON OCTOBER 17, 1973

<u>Sample No.</u>	<u>Location and Remarks</u>	<u>Milligrams of Lead per cubic meter of air</u>
	Maxium Allowable Concentration-----	0.20
1	Yard area at slag pile -----	0.009
2	Yard area at slag pile -----	0.045
7	At scale side of furnance feed -----	0.200
8	At scale side of furnance feed -----	0.019
9	Near east pot ready to pour -----	0.09
10	Near east pot ready to pour -----	0.059

N 26065.26

NL 000039375

INTERROGATORIES

1. Reference is made to your answer to plaintiff's Complaint, paragraph 5 of Count I, and in that regard, state:

A. Address of plant of Sitkin Midland, Inc., and in regard to that plant:

1. What processes of manufacture are used there
2. What lead is smelted there and from what source and to what product
3. Exactly what knowledge you have of lead precipitated into the air from this plant

B. Address of N. R. Lavin & Sons, Inc., and in regard to that plant:

1. What processes of manufacture are used there
2. What lead is smelted there and from what source and to what product
3. Exactly what knowledge you have of lead precipitated into the air from this plant

2. Reference is made to your plant complained of in plaintiff's Complaint and in regard to that plant, state:

A. What air pollution controls are maintained inside the plant building

B. What air pollution controls are maintained in your manufacturing or smelting process and in regard to each such control:

1. How many times in the last four (4) years has it broken down or malfunctioned
2. What tests have been conducted to determine how much lead escapes your plant into the air, and in regard to each test, state:

- a. date and by whom conducted
- b. results

3. What air pollution control or prevention machinery and/or equipment do you have in any plant of yours not located and operating also in your plant herein complained of.

4. Have you ever conducted any inquiry or test of any kind, or had any inquiry or test conducted for you in regard to the quality of air on your plant property inside and/or outside your plant, building, and if so:

A. By whom conducted

B. When

C. With what results or findings

PETER DOZORO, P.O., ATTORNEY AT LAW

16000 WEST NINE MILE ROAD - SOUTHFIELD, MICHIGAN 48075 - (313) 598-1100

NL 000039377

N 26065.27

C
O
P
Y

D. With what recommendations

ROBERT H. GOLDEN
Of Counsel Attorney for Plaintiffs
17220 W. 12 Mile Road, Suite 103
Southfield, Michigan 48075
557-7210

C
O
P
Y

NL 000039378

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY ET AL,

Plaintiffs,

-vs-

No: 74 002312 NO

THE CITY OF DETROIT, a Municipal Corp.
and N L INDUSTRIES, INC., a New Jersey
Corporation, jointly and severally,

Defendants.

NOTICE OF TAKING DEPOSITION

TO: ALVIN R. DAVIDSON
Assistant Corporation Counsel
City of Detroit
1010 City-County Building
Detroit, Michigan, 48226

ROBERT H. GOLDEN
Attorney for Plaintiffs
17220 W. 12 Mile Road
Suite 103
Southfield, Mich. 48075

PLEASE TAKE NOTICE that the Defendant, N L INDUSTRIES,
INC., a New Jersey Corporation, will on the 3rd of July, 1975
at 10 A.M. at the offices of ALEXANDER, BUCHANAN & SEAVITT,
2217 First National Building, Detroit, Michigan, take on oral
examination the deposition of the plaintiff, GLADYS BEASLEY.

ALEXANDER, BUCHANAN & SEAVITT

BY: G. Cameron Buchanan
G. Cameron Buchanan P11340
Attorney for N L Industries, Inc.
2217 First National Bldg.
Detroit, Michigan, 48226 965-2310

June 25, 1975

STATE OF MICHIGAN)
COUNTY OF WAYNE) ss.

Anah Baugh, being first duly sworn, deposes and says that
on the 25th day of June, 1975 she served a true copy of the
within Notice of Taking Deposition on Robert H. Golden, Attorney
for Plaintiffs and Alvin R. Davidson, Attorney for City of
Detroit, by placing said Notice in an envelope properly
addressed to said Attorneys and depositing the same in the
United States mail, postage duly prepaid.

Subscribed and sworn to before
me this 25 day of June, 1975.

Janet K. Johnson
JANET K. JOHNSON
Notary Public, Wayne County, Michigan
My Commission Expires September 26, 1976

NL 000039379

N 26065.28

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE
BEASLEY, all minors

Plaintiffs,

VS

No. 74 002312 NO

THE CITY OF DETROIT, a Municipal
corporation and N. L. INDUSTRIES, INC.,
a New Jersey Corporation, jointly and
severally,

Defendants.

ANSWER TO PLAINTIFF'S INTERROGATORIES

1. The City of Detroit has no written materials related to tests, inspections, complaints, or memoranda concerning lead pollution from industrial plants in the vicinity of the plaintiff's residence, that task by law being the function of the Wayne County Pollution Control Center.

The City of Detroit, however, is and has been engaged in a series of tests on children in the vicinity of plaintiff's residence concerning the incidence and etiology of lead poisoning in children within this area.

It is my understanding from employees of the Department of Health that certain lead measurements have been made on children and animals, and that certain measurements of the lead content of the air and soil have been made to an unknown degree. These tests, however, were not directed at any party and are incomplete.

To the extent these materials are located and submitted to me in some coherent manner, I will immediately submit copies of the same to the parties of this action.

Alvin R. Davidson
Assistant Corporation Counsel
Attorney for Defendant
1010 City-County Building
Detroit, Michigan 48226
(313) 224-6943

Dated: July 30, 1974

NL 000039380

N 26065.29

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE
BEASLEY, all minors,

Plaintiffs,

VS

No. 74 002312 NO

THE CITY OF DETROIT, a Municipal
corporation and N. L. INDUSTRIES, INC.,
a New Jersey Corporation, jointly and
severally,

Defendants.

ROBERT H. GOLDEN (P 14108)
Of Counsel attorney for Plaintiffs

G. CAMERON BUCHANAN (P 11340)
Attorney for Defendant, N. L. Industries, Inc.

ALVIN R. DAVIDSON, (P 12567)
Attorney for Defendant, City of Detroit

ANSWER TO PLAINTIFF'S INTERROGATORIES

Elliott S. Hall
Corporation Counsel
Thomas J. O'Dowd
Alvin R. Davidson
Assistants Corporation Counsel
Attorneys for Defendant
City of Detroit
1010 City-County Building
Detroit, Michigan 48226
(313) 224-6943

NL 000039381

STATE OF MICHIGAN

4-1982

CIRCUIT COURT FOR THE COUNTY OF WAYNE

RECEIVED
APR 23 1974

GLADYS BEASLEY, INDIV. & N. F.
OF STEVEN BEASLEY, BRIAN BEA-
SLEY, DERRICK BEASLEY, WENDELL
BEASLEY & MONIQUE
BEASLEY, MINORS PLAINTIFF(S)
-VS-

CIVIL ACTION NO. 74 002 312 NO

THE CITY OF DETROIT, & N. L.
INDUSTRIES, INC.

DEFENDANT(S)

MR. BUCHANAN
2217 FIRST NATIONAL BUILDING
DETROIT, MICHIGAN 48226

ATTORNEY(S) FOR DEFENDANT

NOTICE

TO: MR. PETER DOZORC
SUITE 514 CLAUSEN BLDG.
16000 W. 9 MILE ROAD
SOUTHFIELD, MICHIGAN 48075

MR. ALVIN R. DAVIDSON
1010 CITY COUNTY BLDG.
DETROIT, MICHIGAN 48226

ATTORNEY(S) FOR PLAINTIFF

ATTORNEY(S) FOR CO-DEFENDANT

PLEASE TAKE NOTICE that on the 2ND day of MAY,
19 74, at the hour of 10:30, A.M., the deposition of the
WAYNE COUNTY DEPARTMENT OF HEALTH

will be taken before a Notary Public, or other officer authorized to
administer oaths, at ROOM 1500, GUARDIAN BUILDING, DETROIT, MICHIGAN,
pursuant to the provision of Rule 305 of the Michigan General Court
Rules. The undersigned counsel does not propose to interrogate the
deponent, the proceeding being solely for the purposes of copying
records and documents, described in the attached copy of Subpoena,
in the possession or control of the deponent. You, of course, are
welcome to appear if you so desire. If you have any objection to
the copying of the records and documents please call 965-5040.

THERE WILL BE NO INTERROGATION OF THE DEPONENT
BY THE UNDERSIGNED COUNSEL

MR. ROBERT H. GOLDEN P-14108
17220 W. 12 MILE RD., STE. 103
SOUTHFIELD, MICHIGAN 48075

Mr. Robert H. Golden (res-ca)

ATTORNEY(S) FOR PLAINTIFF

BRUCE E. SCHMIDT, being first duly sworn, on oath states that
a copy of the above Notice was mailed/delivered by the undersigned
to the above named this 22ND day of APRIL, 19 74 at A.M.

Bruce E. Schmidt

Subscribed and sworn to before me this

22ND day of APRIL, 19 74.

ELIZABETH ANN DILLON
Notary Public, Wayne County, Mich
My Commission Expires 11-7-77

Notary Public

NL 000039382

N 26065.3

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WAYNE

GLADYS BEASLEY, INDIV. &
N. F. OF STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY & MONI- Plaintiff
GUE BEASLEY, MINORS

Civil Action

No. 74 002 312 NO

THE CITY OF DETROIT, & N.L.
INDUSTRIES, INC. Defendant

SUBPOENA * DUCES TECUM

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

KEEPER OF THE RECORDS/
TO WAYNE COUNTY DEPARTMENT OF HEALTH, POLLUTION CONTROL DIV.
1311 E. JEFFERSON DETROIT, MICHIGAN

A NOTARY PUBLIC

You are commanded, to appear before the Court for the County of Wayne at the Court Clerk's
Room No. 1500 in the City of Detroit Building, City of Detroit, Wayne County, on THURSDAY

the 2ND day of MAY A.D., 19 74, at 10:30 o'clock in the FORE noon,

to testify and give evidence in a certain cause now pending in said Court, ~~then and there to be heard by the~~

~~JUDGE~~ between GLADYS BEASLEY, INDIV. &
N.F. OF STEVEN BEASLEY, BRIAN BEA-
SLEY, DERRICK BEASLEY, WENDELL BEA- ~~XXXXXXXXXX~~ SLEY & MONIQUE
BEASLEY, MINORS, PLAINTIFF(S) & ~~XXXXXXXXXX~~ THE CITY OF DETROIT,
& N.L. INDUSTRIES, INC. DEFENDANT(S)

on the part of the PLAINTIFF

And for a failure to attend you will be deemed guilty of a Contempt of said Court and will be liable to pay
all loss and damage sustained thereby to the parties aggrieved, together with the sum of Two Hundred
Fifty Dollars in addition thereto.

Witness, the Hon. JOSEPH A. SULLIVAN, Presiding
Judge, and the seal of said Court, at the Court House,
in the City of Detroit, Wayne County, Michigan, this

MR. ROBERT H. GOLDEN P-14108

22ND day of APRIL, 19 74

Attorney S for PLAINTIFF
17220 W. 12 MILE RD., STE. 103
SOUTHFIELD, MICHIGAN 48075
Business Address

JOSEPH B. SULLIVAN, Clerk of the Circuit Court

Deputy Clerk

Phone No. ~~865-5040~~ 965-2737

*AND YOU ARE THEN AND THERE COMMANDED TO BRING WITH YOU: ANY AND ALL
RECORDS, MEMORANDA, NOTES, INVESTIGATION REPORTS, TEST REPORTS, LABO-
RATORY REPORTS, AND VIOLATION REPORTS OR FILES IN THE POSSESSION OF
WAYNE COUNTY DEPT. OF HEALTH, POLLUTION CONTROL DIV. SPECIFICALLY:
RECORDS OF ANY EMISSION TESTS AND SPECIFICALLY ALL RECORDS CONCERNING
VIOLATION NUMBERS 14009, 16235, 17359, 17370, 17553 & 20393 CONCERNING
N. L. INDUSTRIES, INC. THIS SUBPOENA IS FOR THE PURPOSES OF COPYING
ONLY.

NL 000039383

N 26065.31

RESERVATION AGREEMENT

WHEREAS, N. L. INDUSTRIES, INC. holds certain policies of liability insurance, issued by COMMERCIAL UNION ASSURANCE COMPANIES, bearing Policy #EY 9004-663 and EY 9004-723 (hereinafter referred to as the Policies) and

WHEREAS, an action has been instituted and is presently pending in the Circuit Court for the County of Wayne, Michigan, which action bears Docket #74-002312N0 (hereinafter referred to as the Action) and whereby in the Action the plaintiffs are GLADYS BEASLEY and others; and

WHEREAS, N. L. INDUSTRIES, INC. has claimed that it has full coverage for the claims which are made in the Action under the Policies; and

WHEREAS, COMMERCIAL UNION ASSURANCE COMPANIES contends that the claims made against N. L. INDUSTRIES, INC. in the Action are only covered from November 1, 1970 to November 10, 1970; and

WHEREAS, in accordance with their duty to assume the defense of the Action, COMMERCIAL UNION ASSURANCE COMPANIES have retained the law firm of ALEXANDER, BUCHANAN & SEAVITT of Detroit, Michigan, as attorneys for N. L. INDUSTRIES, INC.; and

NL 000039384

N 26065.32

WHEREAS, COMMERCIAL UNION ASSURANCE COMPANIES have notified N. L. INDUSTRIES, INC. that they will not proceed with the defense of the Action but will seek a Declaratory Judgment of the rights and obligations of the assured and the insurers unless a RESERVATION AGREEMENT is entered into; and

WHEREAS, it is recognized as essential that the defense of the Action be carried forward without delay or interruption;

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties agree as follows:

1. COMMERCIAL UNION ASSURANCE COMPANIES, immediately upon the execution of this RESERVATION AGREEMENT, will direct its retained attorneys to resume all activities necessary or appropriate to the defense of the Action, for the account of COMMERCIAL UNION ASSURANCE COMPANIES, including negotiations for full and final settlement.

2. N. L. INDUSTRIES, INC. may appoint counsel of its choice, for its account, to participate with the retained attorneys, in the defense of the Action and in settlement negotiations.

3. If in the opinion of COMMERCIAL UNION ASSURANCE COMPANIES it shall be determined that it is to the best interests of the parties to this AGREEMENT to have the Action of GLADYS BEASLEY, et al, referred to hereinbefore, settled the

same shall be presented to N. L. INDUSTRIES, INC., and upon the agreement of both COMMERCIAL UNION ASSURANCE COMPANIES and N. L. INDUSTRIES, INC. the aforesaid BEASLEY Action will be settled without prejudice to and with the right of either party to this AGREEMENT to thereafter bring an action to determine who, as between them, is responsible in whole or in part for the payment made by either or both to settle the BEASLEY Action and nothing contained in this RESERVATION AGREEMENT shall be construed as a waiver by either of the parties of their rights and obligations under the Policy or otherwise.

4. N. L. INDUSTRIES, INC. will cooperate with retained attorneys of record in investigations, preparation for trial and a trial of the issues. If a final judgment in the Action is rendered against N. L. INDUSTRIES, INC., by a Court of last resort, the resolution of the question of coverage relative to payment of the judgment in whole or in part shall be determined separately by the parties, in which event and with respect to which, nothing contained in this RESERVATION AGREEMENT shall be construed as a waiver by either party of the rights and obligations set forth in the Policies and under statutory and common law.

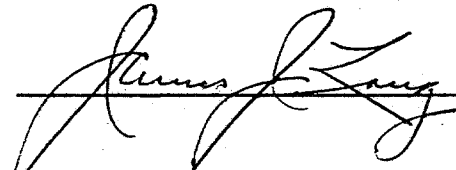
NL 000039386

Dated, New York, New York

~~August~~ ^{Sep.ember} 25th, 1975

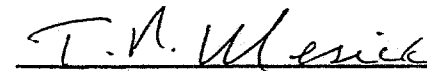
COMMERCIAL UNION ASSURANCE COMPANIES

BY



N. L. INDUSTRIES, INC.

BY



NL 000039387

RESERVATION AGREEMENT

WHEREAS, N.L. INDUSTRIES, INC. holds certain policies of liability insurance, issued by COMMERCIAL UNION ASSURANCE COMPANIES, bearing Policy # EY 9004-663 and # EY 9004-723 (hereinafter referred to as the Policies) and

WHEREAS, an action has been instituted and is presently pending in the Circuit Court for the County of Wayne, Michigan which action bears Docket # 77-707918 (hereinafter referred to as the Action) and whereby in the Action the plaintiffs are BARBARA PETERSON and others; and

WHEREAS, N.L. INDUSTRIES, INC. has claimed that it has full coverage for the claims which are made in the Action under the Policies; and

WHEREAS, COMMERCIAL UNION ASSURANCE COMPANIES contends that the claims made against N.L. INDUSTRIES, INC. in the Action are only covered from May 1, 1969 to November 10, 1970; and

WHEREAS, in accordance with their duty to assume the defense of the Action, COMMERCIAL UNION ASSURANCE COMPANIES have retained the law firm of MORBACH, CHEATHAM & MC ARTHUR of Detroit, Michigan, as attorneys for N.L. INDUSTRIES, INC.; and

WHEREAS, COMMERCIAL UNION ASSURANCE COMPANIES have notified N.L. INDUSTRIES, INC. that they will not proceed with the defense of the Action but will seek a Declaratory Judgement of the rights and obligations of the assured and the insurers unless a RESERVATION AGREEMENT is entered into; and

NL 000039388

N 26065.33

WHEREAS, it is recognized as essential that the defense of the Action be carried forward without delay or interruption;

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties agree as follows:

1. COMMERCIAL UNION ASSURANCE COMPANIES, immediately upon the execution of this RESERVATION AGREEMENT, will direct its retained attorneys to resume all activities necessary or appropriate to the defense of the Action, for the account of COMMERCIAL UNION ASSURANCE COMPANIES, including negotiations for full and final settlement.

2. N.L. INDUSTRIES, INC. may appoint counsel of its choice, for its account, to participate with the retained attorneys, in the defense of the Action and in settlement negotiations.

3. If in the opinion of COMMERCIAL UNION ASSURANCE COMPANIES it shall be determined that it is to the best interest of the parties to this AGREEMENT to have the Action of BARBARA PETERSON, et al, referred to hereinbefore, settled the same shall be presented to N.L. INDUSTRIES, INC. and upon the agreement of both COMMERCIAL UNION ASSURANCE COMPANIES and N.L. INDUSTRIES, INC. the aforesaid PETERSON Action will be settled without prejudice to and with the right of either party to this AGREEMENT to thereafter bring an action to determine who, as between them, is responsible in whole or in part for the payment made by either or both to settle the PETERSON Action and nothing contained in this RESERVATION AGREEMENT shall be construed as a waiver by either of the parties of their rights and obligations under the Policy or otherwise.

NL 000039389

4. N.L. INDUSTRIES, INC. will cooperate with retained attorneys of record in investigations, preparation for trial and a trial of the issues. If a final judgement in the Action is rendered against N.L. INDUSTRIES, INC., by a Court of last resort, the resolution of the question of coverage relative to payment of the judgement in whole or in part shall be determined separately by the parties, in which event and with respect to which, nothing contained in the RESERVATION AGREEMENT shall be construed as a waiver by either party of the rights and obligations set forth in the Policies and under statutory and common law.

Dated, New York, New York

May 2, 1977

COMMERCIAL UNION ASSURANCE COMPANIES

BY Michael J. Manning

N. L. INDUSTRIES, INC.

BY _____

NL 000039390

SETTLEMENT AGREEMENT

This Agreement made as of the 23rd day of January, 1979 between NL Industries, Inc., a New Jersey corporation (NL), and Commercial Union Assurance Companies, a _____ corporation (Commercial Union),

NL and Commercial Union agree as follows:

1. NL and Commercial Union desire to resolve all issues relating to insurance coverage under applicable policies of insurance respecting the action pending in the Circuit Court of Wayne County, Michigan, bearing the following caption and docket number (the Case), without prejudice to the right of either party to assert that coverage is provided or excluded under any policy of insurance with respect to any other claim, action, cause of action or proceeding:

GLADYS BEASLEY, Individually and
as Next Friend of STEVEN BEASLEY,
BRIAN BEASLEY, DERRICK BEASLEY,
WENDELL BEASLEY and MONIQUE
BEASLEY, all minors, Plaintiffs VS

THE CITY OF DETROIT, A Mu-
nicipal corporation and N.L.
INDUSTRIES, INC., a New Jersey
Corporation, jointly and sev-
erally, Defendants
Docket No. 74002312 ND

This Agreement shall not be construed or considered as evidence that coverage is provided or excluded under any policy of insurance.

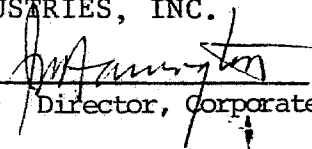
2. This Agreement shall be contingent upon the consummation of a settlement by Commercial Union on NL's behalf in the Case, in the manner required by Michigan law in actions involving minors, with the effect of a res judicata determination of all issues as between all the parties to the Case, including the City of Detroit, and without any admission of liability whatsoever by NL, for a total aggregate payment to all plaintiffs of \$150,000.
3. Within 5 days from the date settlement of the Case shall be consummated, NL shall pay over to Commercial Union \$75,000 less 50% of the amount, if any, of the contribution toward settlement of the Case made by the City of Detroit.
4. Commercial Union shall pay when due and at its sole expense any and all costs and expenses related to the defense of the Case, including the fees of counsel retained by Commercial Union and any medical or other experts, court costs, filing fees and reporters fees, but excluding legal fees incurred by NL in the retention of separate counsel and in NL employee time and travel expenses.

NL 000039391

N 26065.34

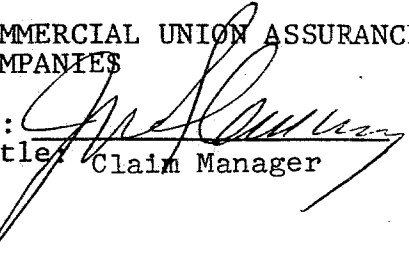
5. All settlement documents, including any proposed consent judgments shall be submitted to NL for review and approval, prior to execution and filing. NL shall have the right to be present and participate through separate counsel retained by NL in any hearing or other judicial or non-judicial proceeding respecting the Case.
6. Settlement of the Case as provided in section 2 above and payment by NL to Commercial Union pursuant to section 3 above, shall constitute in full and complete settlement of all insurance coverage issues respecting the Case and the parties mutually release and waive any and all rights, claims, actions and causes of action which they have or may have, whether now known or hereafter learned, respecting the issue of coverage under applicable policies of insurance with respect to the Case.

NL INDUSTRIES, INC.

By: 

Title: Director, Corporate Risk

COMMERCIAL UNION ASSURANCE
COMPANIES

By: 

Title: Claim Manager

NL 000039392

SETTLEMENT AGREEMENT

This Agreement made as of the 23rd day of January, 1979 between NL Industries, Inc., a New Jersey corporation (NL), and Commercial Union Assurance Companies, a _____ corporation (Commercial Union),

NL and Commercial Union agree as follows:

1. NL and Commercial Union desire to resolve all issues relating to insurance coverage under applicable policies of insurance respecting the action pending in the Circuit Court of Wayne County, Michigan, bearing the following caption and docket number (the Case), without prejudice to the right of either party to assert that coverage is provided or excluded under any policy of insurance with respect to any other claim, action, cause of action or proceeding:

BARBARA PETERSON, Individually
and as Next Friend of RODNEY
PETERSON, PAMELA PETERSON,
VEENUS PETERSON, TINA PETERSON
and DWAYNE PETERSON, all minors,
Plaintiffs VS

THE CITY OF DETROIT, A Municipal corporation and N.L. INDUSTRIES, INC., a New Jersey Corporation, jointly and severally,
Defendants

Docket No. 77707918 NO

This Agreement shall not be construed or considered as evidence that coverage is provided or excluded under any policy of insurance.

2. This Agreement shall be contingent upon the consummation of a settlement by Commercial Union on NL's behalf in the Cases, in the manner required by Michigan law in actions involving minors, with the effect of a res judicata determination of all issues as between all the parties to the Cases, including the City of Detroit, and without any admission of liability whatsoever by NL, for a total aggregate payment to all plaintiffs of \$50,000.
3. Within 5 days from the date settlement of the Case shall be consummated, NL shall pay over to Commercial Union \$25,000 less 50% of the amount, if any, of contribution toward settlement of the Case made by the City of Detroit.
4. Commercial Union shall pay when due and at its sole expense any and all costs and expenses related to the defense of the Case, including the fees of counsel retained by Commercial Union and any medical or other experts, court costs, filing fees and reporters fees, but excluding legal fees incurred by NL in the retention of separate counsel and in NL employee time and travel expenses.

NL 000039393

N 26065.35

5. All settlement documents, including any proposed consent judgments shall be submitted to NL for review and approval, prior to execution and filing. NL shall have the right to be present and participate through separate counsel retained by NL in any hearing or other judicial or non-judicial proceeding respecting the Case.
6. Settlement of the Case as provided in section 2 above and payment by NL to Commercial Union pursuant to section 3 above, shall constitute in full and complete settlement of all insurance coverage issues respecting the Case and the parties mutually release and waive any and all rights, claims, actions and causes of action which they have or may have, whether now known or hereafter learned, respecting the issue of coverage under applicable policies of insurance with respect to the Case.

NL INDUSTRIES, INC.

By: *[Signature]*
Title: Director, Corporate Risk

COMMERCIAL UNION ASSURANCE
COMPANIES

By: *[Signature]*
Title: Claim Manager