

FILED

JAN 20 1984

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JOHN W. WILLIAMS, CLERK
U.S. DISTRICT COURT.

GREENVILLE COUNTY SCHOOL DISTRICT,)

PLAINTIFF,)

VS.)

U. S. GYPSUM CO., ET AL.,)

DEFENDANTS.)

CIVIL ACTION NO. 82-3142-

UNITED STATES COURTHOUSE
COLUMBIA, SOUTH CAROLINA
MONDAY, JANUARY 9, 1984
2:15 P.M. - 2:40 P.M.

SPARTANBURG COUNTY SCHOOL DIST.
SEVEN,)

PLAINTIFF,)

VS.)

NATIONAL GYPSUM CO., ET AL.,)

DEFENDANTS.)

CIVIL ACTION NO. 83-1744-

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FEB 14 1984
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PARTIAL TRANSCRIPT OF MOTION PROCEEDINGS
HAD BEFORE HONORABLE WILLIAM W. WILKINS, DISTRICT JUDGE

TRANSCRIPT ORDERED BY: PATRICK MICHAEL DUFFY, ESQ.

APPEARANCES:

FOR THE PLAINTIFFS

DANIEL A. SPEIGHTS, ESQ.
ANN KIMMEL, ESQ.
304 LEE AVENUE
HAMPTON, SOUTH CAROLINA

FOR THE DEFENDANTS

UNITED STATES GYPSUM CO.

ROBINSON, MCFADDEN, MOORE, POPE,
WILLIAMS, TAYLOR & BRAILSFORD
BY: WILLIAM L. POPE, ESQ.
FRANK R. ELLERBE, III, ESQ.

PLAINTIFF'S
EXHIBIT
061 980
USC 190

Ref. DEP. EX. NO. 11
FOR ID. AS CT 7-17-86

PHILLIP W. LOTER
OFFICIAL REPORTER

TAB

(PROCEEDINGS RESUMED AT 2:15 P.M.)

[THE COURT: WELL, I HAVE CONSIDERED THESE THINGS. I PLACE ALL THE PARTIES ON NOTICE THAT THIS ORDER IS BEING ISSUED WITH THE COURT'S FULL UNDERSTANDING AND INTENTION TO APPLY RULE 37(B)(2)(C) TO ANY OFFENDING PARTY OF THIS ORDER, WHICH WILL INCLUDE THE COURT ENTERING A DEFAULT JUDGMENT OR DISMISSING THE ACTION AGAINST THE OFFENDING PARTY.

THERE MUST BE A TIME WHERE THESE MATTERS ARE LAID TO REST AND YOU GET ON TO NEW BUSINESS AND THE BUSINESS OF RESOLVING THIS CONTROVERSY.

ALL THE DEFENDANTS SHALL ANSWER WITHIN 30 DAYS. I MIGHT ADD THAT THE COURT IS GOING TO REVIEW THE RESPONDING ANSWERS WITH ITS INTERPRETATION OF GOOD FAITH, REASONABLE EFFORT TO COMPLY, AND WILL NOT DEAL NOR ALLOW JUSTIFICATION TO BE BASED ON SEMANTICS.

ALL DEFENDANTS SHALL ANSWER THIS INTERROGATORY THAT THE COURT PROPOUNDS, WHICH IS PERHAPS A COMBINATION OF NUMBERS THAT HAVE ALREADY BEEN PROPOUNDED. THE DATE THAT THE COMPANY OR ITS OFFICERS OR ITS AGENTS OR ITS EMPLOYEES, TO THE BEST OF THAT COMPANY'S ABILITY, MUST STATE THE DATE THAT THESE INDIVIDUALS RECEIVED INFORMATION, WRITTEN OR ORAL, FIRST BECAME AWARE OF, FIRST BECAME SUSPICIOUS OF THE FACT THAT ASBESTOS MAY BE A HARMFUL SUBSTANCE, AND ALL SIMILAR INFORMATION SINCE THAT FIRST DATE.

THIS INCLUDES INFORMATION ACQUIRED INDIVIDUALLY BY THE

PLAINTIFFS
EXHIBIT
3645(2)

1 COMPANY, ITS OFFICERS, AGENTS, EMPLOYEES, AND INFORMATION THAT
2 WAS GENERALLY KNOWN IN THE INDUSTRY. AND IT ALSO INCLUDES ANY
3 FACTS, ANY DATA, ANY REPORTS, ANY OPINIONS WHICH TEND TO SUPPO
4 THE BELIEF THAT ASBESTOS IS A HARMFUL PRODUCT TO HEALTH.]

5 FURTHER, THE DEFENDANTS SHALL ANSWER WITHIN 30 DAYS
6 PORTIONS OF THE SUGGESTED INTERROGATORY SUBMITTED BY THE
7 PLAINTIFF, WHICH I WILL FILE THE ORIGINAL WITH THE COURT AND
8 IT WILL BE MAINTAINED AS A RECORD OF THIS COURT. COPIES SHALL
9 BE MADE AVAILABLE TO THE DEFENDANTS' ATTORNEYS. AND THIS
10 INTERROGATORY ON THIS PAGE, I HAVE STRUCK THROUGH THOSE ITEMS
11 WHICH IT IS NOT A REQUIREMENT TO THIS ORDER TO BE ANSWERED.

12 ALL OF THESE QUESTIONS AND ITS SUB TYPE SHALL BE ANSWERED
13 EXCEPT QUESTION OR SECTION NUMBER 'M', NUMBER 'N', NUMBER 'O',
14 THE PORTION OF SECTION 'Q' WHICH STATES "THE BRAND NAME OF THE
15 REPLACEMENT PRODUCT"; SECTION 'R' AND SECTION 'S'.

16 IN EFFECT, WHAT THIS DOES, BECAUSE OF THIS GREAT FEAR THAT
17 THE BRAND NAME NOT BE DISCLOSED, ALTHOUGH SOME NAMES HAVE
18 ALREADY BEEN DISCLOSED, I STILL BELIEVE AND DO BELIEVE THAT
19 THE PLAINTIFF, IF THESE QUESTIONS ARE ANSWERED, WILL HAVE THE
20 INFORMATION NECESSARY TO INVESTIGATE THE RESPONSE TO THE FIRST
21 INTERROGATORY THAT I HAVE DICTATED INTO THE RECORD.

22 THE QUESTION, SECTION 'A', DEALS WITH THE TYPE OF PRODUCT
23 AND IF IT IS ACOUSTICAL PLASTER, ACOUSTICAL PLASTER SHOULD
24 BE LISTED. THE DATE THAT THIS PARTICULAR ACOUSTICAL PLASTER
25 WAS PRODUCED. THE LAST DATE IT WAS PRODUCED. SO FORTH. THE

PLAINTIFF'S
EXHIBIT
3645(3)