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November 4, 1987

Fredric F. Tilton, Esq.
22 West Ninth Street
Cincinnati, Ohio 45202

Re: Vossler, et al. v. The Celotex Corporation, et al.

Dear Mr. Tilton:

I have enclosed information concerning H.K. Porter Company, Inc. which indicates that it has been incorporated in the past under the names Southern Asbestos Company and Southern Textile Corporation, but never as Southern Mills. Mr. Vossler testified at deposition that he used A-Cloth manufactured by Southern Mills from 1951 to 1952 and asbestos rope or wicking manufactured by Southern Mills from 1956-57. The enclosed information from H.K. Porter indicates that the company did not make asbestos products prior to 1958. Additionally, I confirmed this information with corporate counsel, Mr. Steven Wright.

Based on this information, we filed our Motion for Summary Judgment for H.K. Porter, Inc. Please let us know if this information is not as convincing to you and I will attempt to supply additional data.

Very truly yours,

BLOOM & GREENE CO., L.P.A.

Ann C. Hindman
Ann C. Hindman

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ENCLOSURE

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I. HISTORY OF ASBESTOS TEXTILE OPERATIONS

a. There have been two companies named Southern Asbestos Company, one of which was formed in 1927, later acquired by the Thermoid Company and then liquidated by Porter in 1959, and the other, a wholly owned subsidiary of Porter, was formed in 1974.

b. The first Southern Asbestos Company was incorporated in Delaware on December 8, 1927. One of the purposes of that Company was to purchase or otherwise acquire the assets and business of Southern Asbestos Manufacturing Company, a North Carolina corporation.

c. In 1929 Thermoid Company acquired a controlling interest in the stock of Southern Asbestos. In 1941 Thermoid purchased the fixed assets of Southern Asbestos which included the Charlotte Works, Charlotte, North Carolina. Southern Asbestos then became a sales agency for asbestos products.

d. In 1958 Porter, by means of a merger, acquired Thermoid Company. As a result of this transaction, Porter acquired the stock of Southern Asbestos Company. On or about December 31, 1959, Porter liquidated Southern Asbestos. Between the acquisition and liquidation, Southern Asbestos acted as the selling agency for asbestos products.

e. On October 14, 1963, Porter acquired substantially all of the outstanding capital shares of Carolina Asbestos Company, Inc., a North Carolina corporation. On November 30, 1963, Carolina Asbestos was liquidated. Carolina Asbestos Company owned the Davidson Works, Davidson, North Carolina, which was closed in November, 1970, and sold in March, 1971, to A-A-A Distribution Services, Inc., Charlotte, North Carolina.

f. On December 30, 1964, Porter acquired the common stock of The Russell Manufacturing Company of Middletown, Connecticut. Russell owned the Bennettsville Works, Bennettsville, South Carolina. On January 31, 1965, Russell Manufacturing was liquidated. The Bennettsville Works was closed in October, 1976, and sold in July, 1978, to Godley Auction Co., Charlotte, North Carolina.

g. In late 1968 and early 1969 Porter acquired Pacific Asbestos Corporation which mined raw asbestos in Copperopolis, California. Pacific Asbestos ceased operation in April of 1974, was declared bankrupt on August 27, 1974, and the assets sold to Calaveras Asbestos Ltd., Copperopolis, California, on October 24, 1975.

h. On February 17, 1969, Porter acquired all of the common stock of Tallman-Cluskey Fabrics Company of St. Louis, and on February 28, 1969, Tallman was liquidated. Tallman owned the St. Louis Works, St. Louis, Missouri, which was closed in October, 1970, and sold on June 30, 1972, to Lloyd S. Rubin of St. Louis, Missouri.

i. In 1974 Porter formed a wholly owned subsidiary, Southern Asbestos Company, and as of May 1, 1974, transferred the Charlotte Works and the Bennettsville Works to Southern Asbestos. Effective January 1, 1979, the name of Southern Asbestos Company was changed to Southern Textile Corporation. On February 18, 1983 the assets of Southern Textile Corporation were sold. This was the textile plant in Charlotte, North Carolina. Neither Porter or Southern Textile produce or sell asbestos textile products any longer.

PORTER'S ASBESTOS TEXTILE PRODUCTS

Between December, 1958, and May, 1974, Porter manufactured the following asbestos textile products:

- (1) CLEANGARD, 1972 - 1974 (First used 2/7/72, Registered 3/26/74)
Cleangard is not a product but a process which encapsulates the asbestos in the product thereby reducing dust emission from the product.
- (2) THERM-A-GARD, 1967 - 1974 (First used 8/11/67, Registered 12/31/68)
The color code for this product was silver and it was used for safety clothing, shielding, curtains, blankets, or ironing board covers and pads.
- (3) FLAMEGARD, 1958 - 1974 (First used 10/27/58, Registered 12/19/78)
The color code for this product was first yellow and then green (neoprene) and it was used for safety apparel and protective shielding.
- (4) PORTERSITE, 1964 - 1970
PORTERSITE G, 1965 - 1974
These two products did not have a particular color code. Product was used for insulating high-temperature machinery and equipment such as steam turbines, boilers, boiler feed pumps and steam lines.
- (5) PORTERLAG, 1967 - 1974
The color code for this product was beige and it was used as a lagging cloth for applications to pipes, elbows, T-joints and valves.
- (6) All of the trademark products except Portersite and Portersite G were cloth products, while Portersite and Portersite G were felt products. Portersite used amosite asbestos while Portersite G was a glass product.
- (7) The following were generic products produced by Porter:
 - (a) Cloth - broad woven fabric - has various uses, as a lagging or pipe wrap, as a material for safety clothing, as a shield against sparks and heat, as a plastic laminate, as a gasket material.
 - (b) Tape - narrow woven fabric - used as an insulation wrapped on electrical cables, steam lines, etc. and as a friction material for brakes.
 - (c) Yarn/Cord - used in a variety of industries for further manufacture in clutch facings, packing, dryer felts, parachute flare cords and friction materials.
 - (d) Felt - a mat made of slivers and bound together with yarn by a weaving or knitting process.
 - (e) Roving - an untwisted reinforced soft material similar in appearance to a knitting yarn.
 - (f) Lapp - (discontinued in 1972) - a compressed sheet used in the electrical insulation business.

(8) All products contained chrysotile asbestos in varying amounts from 65% to 95% - except Portersite which contained amosite asbestos and Portersite G which contained fibrous glass. Carrier fiber was usually rayon but may have contained small percentages of cotton, polyester and acrylic, which were used in certain products. The basic composition of the asbestos products was not changed. Chemical treatments varied from time to time either to replace compounds in short supply, to effect cost savings or to improve the end product.

The types of containers which were used to ship the asbestos products manufactured by defendant are set forth below:

- (a) Cloth - usually wrapped in polyethylene sheet with the ends secured with wire ties. Before availability of polyethylene, heavy Kraft paper sheets were used and secured with gummed tape.
- (b) Tape - most shipments were in paperboard cartons sealed with tape. Some heavy items were wrapped in burlap or polypropylene and shipped individually.
- (c) Rope - yarn and roving were shipped in paperboard cartons and secured with metal or synthetic strapping.
- (d) Felt Mats - were wrapped in heavy polyethylene sheets with seams taped and ends secured with wire ties.

SOUTHERN TEXTILE'S ASBESTOS TEXTILE PRODUCTS

a. From May, 1974, to the ²⁻¹⁸⁻⁸³ present, Southern Textile Corporation manufactured the following asbestos textile products:

- (1) CLEANGARD, 1974 - ²⁻¹⁸⁻⁸³ ~~Present~~ (First used by Porter 2/7/72, Registered by Porter 3/26/74)
Cleangard is not a product but a process which encapsulates the asbestos in the product thereby reducing dust emission from the product.
- (2) GARDIAN, 1974 - ²⁻¹⁸⁻⁸³ ~~Present~~ (First used 4/15/75, Registered 1/27/76)
Gardian is a designation used by Southern Textile for its entire line of products. Gardian does not represent a product in and of itself.
- (3) THERM-A-GARD, 1974 - ²⁻¹⁸⁻⁸³ ~~Present~~ (First used by Porter 8/11/67, Registered 12/31/68)
THERMAGARD, 1974 - ~~Present~~ (Amendment to Therm-A-Gard trademark 6/76)
The color code for this product is silver and it is used for safety clothing, shielding, curtains, blankets, or ironing board covers and pads.
- (4) FLAMEGARD, 1974 - ²⁻¹⁸⁻⁸³ ~~Present~~ (First used by Porter 10/27/58, Registered 12/19/78)
The color code for this product is blue. The Flamegard trademark for Southern Textile products refers to different products than the one used by Porter. Southern Textile Flamegard is used for fabricating smokers-bibs, aprons, draperies, mattress covers and other fire-safe items for hospital and institutional use with the elderly, the handicapped or bedfast patients.
- COVERGARD, 1974 - ²⁻¹⁸⁻⁸³ ~~Present~~ (First used 1/17/75, Registered 11/11/75)
The color code for this product is white and this is the same product, but with a changed brand name, produced by Porter under the tradename of Porterlag. It is used as a lagging cloth for applications to pipes, elbows, T-joints and valves.

- 2-18-83
- (6) HEATGARD, 1974 - ~~Present~~ (First used 1/17/75), Registered 10/21/75)
Heatgard is an asbestos conveyor belting product designed for durability and high temperature resistance. Heatgard is produced in either white, black or brown colors; black and brown denoting belting which has been treated for greater durability and higher temperature resistance.
- 2-18-83
- (7) SPLASHGARD, 1974 - ~~Present~~ (First used 9/18/74, Registered 3/29/77)
The color code for this product is green (yellow, black and white at different times) and it is used for safety apparel and protective shields. The same product was named Flamegard when produced by Porter.
- 2-18-83
- (8) WELDGARD, 1974 - ~~Present~~ (First used 1/28/75, Registered 1/20/76)
The color code for this product is orange and is used for hi-visibility welding curtains and safety clothing.
- 2-18-83
- (9) INSLGARD, 1976 - ~~Present~~ (First used 8/27/74, Registered 4/13/76)
There is no color code for Inslgard. The Inslgard product line is the same line of products as was designated as Portersite and Portersite G. Southern Textile has only produced a glass fiber product for Inslgard which is used for insulating high-temperature machinery and equipment such as steam turbines, boilers, boiler feed pumps and steam lines.
- (10) SOUNDGARD, 1976 - 1980 (First used 1/13/75, Registered 1/20/76)
The color code for this product is black and is used as noise suppression hoods for turbines, generators and engines, wrapping for pipes and ducts to muffle fluid motion noise, curtains and portable barriers to isolate noise or nuclear radiation. There is a Soundgard calking compound which is used for sealing sound leaks.
- 2-18-83
- (11) SOUNDGARD II, 1980 - ~~Present~~ (First used July, 1980)
The color code for this product is gray and is used as noise suppression hoods for turbines, generators and engines, wrapping for pipes and ducts to muffle fluid motion noise, curtains and portable barriers to isolate noise or nuclear radiation. There is a Soundgard calking compound which is used for sealing sound leaks. This is a non-asbestos product and is a silicone rubber glass based material.
- (12) All of the trademark products except for Inslgard and Heatgard are cloth products. Inslgard is a felt product and Heatgard is a conveyor belting product.
- (13) The following are generic products produced by Southern Textile:
- (a) Cloth - broad woven fabric - has various uses, as a lagging or pipe wrap, as a material for safety clothing, as a shield against sparks and heat, as a plastic laminate, as a gasket material.
 - (b) Tape - narrow woven fabric - used as an insulation wrapped on electric cables, steam lines, etc. and as a friction material for brakes.
 - (c) Yarn/Cord - used in a variety of industries for further manufacture in clutch facings, packings, dryer felts, parachute flare cords, and friction materials.
 - (d) Felt - a mat made of slivers and bound together with yarn by a weaving or knitting process.

(e) Roving - an untwisted reinforced soft material similar in appearance to a knitting yarn.

(14) Between 1974 and 1979 all products contained chrysotile asbestos in varying amounts from 65% to 95% - except Inslgard which contained fibrous glass. Carrier fiber was usually rayon but may have contained small percentages of cotton, polyester and acrylic, which were used in certain products. The basic composition of the asbestos products was not changed. Chemical treatments varied from time to time either to replace compounds in short supply, to effect cost savings or to improve the end product. Since 1979 Southern Textile also produced the same line of products using fibrous glass rather than asbestos. Customer preference determines which type was sold.

The types of containers which were used to ship the asbestos products manufactured by defendant are set forth below:

(a) Cloth - usually wrapped in polyethylene sheet with the ends secured with wire ties. Before availability of polyethylene, heavy Kraft paper sheets were used and secured with gummed tape.

(b) Tape - most shipments were in paperboard cartons sealed with tape. Some heavy items were wrapped in burlap or polypropylene and shipped individually.

(c) Rope - yarn and roving were shipped in paperboard cartons and secured with metal or synthetic strapping.

(d) Felt Mats - were wrapped in heavy polyethylene sheets with seams taped and ends secured with wire ties.

ASBESTOS NON TEXTILE INSULATION PRODUCTS

Porter purchased approximately 78% of the common stock of Laclede-Christy Corporation ("L-C") in 1954. L-C had two plants at that time - the Laclede plant and the Christy plant both located in St. Louis, Missouri.

The basic products of L-C were refractory fire bricks which were used for lining the inside of furnaces. As part of this basic operation L-C manufactured two wet mortars and one dry one which contained asbestos. Mortar is used as jointing material between the fireclay brick.

In addition, L-C apparently had a rebranding agreement with 48 Insulation to sell their asbestos cement and block to be used on the outside of the furnaces. This was a sideline business to the main product - fire brick. By 1960 L-C went out of the rebranding business and told its customers to order direct from 48 Insulation. At this time, we do not know when L-C first began selling 48 Insulation material, how much was sold and we have not been able to find the rebranding agreement.

In December, 1958 Porter liquidated L-C after which L-C, although no longer a separate corporate entity, maintained its name but operated as a part of the Refractories Division of Porter.

The Christy Works in St. Louis was closed in 1970 and the operations were transferred to the Fulton Plant of the L-C operation.

The two wet mortars were Bonding Mortar #20 and Laco which contained 1.32% of "7-M asbestos". These mortars were in liquid form and were shipped in steel drums weighing 100, 250 and 500 lbs. The dry mortar was called Archnu prior to Porter's purchase of L-C and called Duoflex during Porter's ownership. When produced by Porter, Duoflex contained 3% asbestos and was shipped in 100 lb. bags. These mortars were used only in connection with the installing of fireclay in furnaces. These products were produced at the Christy Works until it closed. In 1972 the Fulton Works started to produce Duoflex.

In 1974 the L-C operation was sold to A. P. Green in an asset transaction.