

NO. 81G1331

BARBARA MEYER

VS.

JOHNS-MANVILLE SALES  
CORPORATION, ET AL§  
§  
§  
§  
§IN THE DISTRICT COURT OF  
BRAZORIA COUNTY, TEXAS  
239TH JUDICIAL DISTRICT

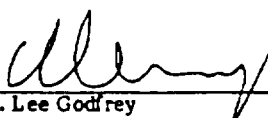
ST0009981

RESPONSES OF GEORGIA-PACIFIC CORPORATION  
TO INTERROGATORIES OF DOW CHEMICAL COMPANY

TO: DOW CHEMICAL COMPANY, Defendant, and their attorney of record, Andrew S. Hanen, Andrews & Kurth, Texas Commerce Tower, Houston, Texas 77002.

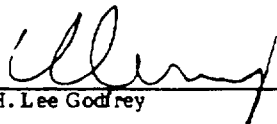
Defendant Georgia-Pacific Corporation makes the following Responses to Defendant Dow Chemical Company's Interrogatories propounded to them.

Respectfully submitted,

  
H. Lee Godfrey  
State Bar No. 08054000  
Attorney for Georgia-Pacific Corporation  
2400 Allied Bank Plaza  
Houston, Texas 77002  
(713) 651-9366

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Defendant Georgia-Pacific Corporation's Responses to Dow Chemical Company's Interrogatories have been served on all counsel of record via United States Mail, Return Receipt Requested, this 13<sup>th</sup> day of October, 1983.

  
H. Lee Godfrey

RESPONSES TO INTERROGATORIES

1. Please give your exact legal name, place of incorporation, and state whether or not you are licensed to do business in the State of Texas.

ANSWER:

Georgia-Pacific Corporation  
133 Peachtree Street, N.E.  
Atlanta, GA 30303

Georgia

No.

2. Has this defendant been sued under its correct name? If not, state the correct legal name of the defendant and provide the information requested in number one above concerning the defendant as correctly named.

ANSWER:

Yes.

3. Did this defendant, between the years of 1940 and 1980, manufacture or sell asbestos containing products?

ANSWER:

Yes.

4. Give the name and trade name of all types of asbestos containing materials manufactured or sold by you, giving the dates that you began to manufacture or sell each such material listed, and the date you ceased manufacturing or selling such items, if production has ceased.

ANSWER:

See Exhibit "A" attached hereto and made a part hereof.

5. Give a description of the materials listed in Interrogatory No. 3, including the asbestos content.

ANSWER: .

Georgia-Pacific Corporation objects to this interrogatory on the grounds that same is overly broad and burdensome and will lead to the discovery of no admissible evidence. However, please see Exhibit "B" attached hereto for the asbestos content in each of these products.

6. When was your company first aware that asbestosis mesothelioma, or any other lung disease could occur among workers who were exposed to the inhalation of asbestos fibers from products manufactured or sold by you?

ANSWER:

April, 1973.

7. State the date you first attached a warning of any possible adverse health consequences caused by the inhalation of asbestos fibers to products sold or manufactured by you that contained asbestos, and either attach a copy of that warning, or state the content of said warning verbatim.

ANSWER:

April, 1973.

ST00099982

8. List all warnings of any possible adverse health consequences caused by the inhalation of asbestos fibers ever given on any product manufactured or sold by you which contained asbestos, and the date which said warnings first appeared. Either attach a copy of the warnings or state the content of them verbatim.

ANSWER:

See Exhibit "C" attached hereto and made a part hereof.

9. Is it possible for a layman to distinguish your asbestos containing products from those manufactured or distributed by your competitors when such products have been removed from their container or containers? If your answer is yes, please describe how you contend your product can be distinguished from those of a competitor.

ANSWER:

No.

10. Did each of your products or materials, which contained asbestos, generally reach, or were packaged to reach, the consumer, insulation helper, insulation mechanic, or ultimate user, without substantial change in the condition in which it was sold?

ANSWER:

Yes.

11. If your answer to the above interrogatory is no, with respect to each such product, explain in what way the defendant claims its products were altered or substantially changed after sale or distribution, and before reaching the ultimate user.

ANSWER:

Not applicable.

12. Has the defendant ever acquired another corporation, company, or business, which manufactured, sold, processed, distributed, or contracted to apply insulation products containing asbestos? If the answer to the above interrogatory is yes, then state the following concerning such predecessor:

- a. Full and correct name.
- b. Principal place of business.
- c. State of incorporation.
- d. Date of acquisition.
- e. Was this business authorized to transact business in the State of Texas?  
and

ANSWER:

Yes.

- a. Bestwall Gypsum Company
- d. Merger; 4/29/65.

13. Did your company ever produce sales literature or other printed material which advised workers of the hazards of asbestos dust, and recommend ways of handling your materials that would reduce or eliminate the creation of asbestos dust? If so, state verbatim what the literature says and the date in which each instruction or recommendation was put on your literature, also please attach copies of all such literature.

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ANSWER:

No.

14. Does your company have, or has it ever had, a division or subsidiary company engaged in the contracting business of applying insulation products? If so, give the name of such division or subsidiary company, the full address of the home office of such division or subsidiary company, and the dates such division or subsidiary company was engaged in the contracting business.

ANSWER:

No.

15. Has your company, or its predecessor, ever conducted any studies concerning the effects of the inhalation of asbestos dust fibers on one using or being exposed to any of the asbestos materials manufactured, sold, or distributed by you. If your answer is yes, give the date and nature of such studies, the name of the persons conducting such studies, the purpose of the study(s), the result of such studies and attach a copy of any report based upon studies.

ANSWER:

No.

16. Please list all of the products containing asbestos, the amount of each product and the date of each sale, sold by you or any subsidiary or predecessor to Dow Chemical Company.

ANSWER:

None.

17. For every product listed above state the first date a warning of any possible adverse health consequences caused by the inhalation of asbestos fibers appeared on said products, and state the content of said warning verbatim, or attach a copy.

ANSWER:

Not applicable.

18. Have you or any of your employees, agents or subsidiaries ever contacted Dow as to the means, methods and precautions to take in installing, or safely removing, or safely maintaining any of the asbestos containing products which you have manufactured or sold? If yes, please state the date of each contact, the means used, the person(s) from your company that were involved, and the names of any personnel from Dow that were involved.

ANSWER:

No.

19. Does defendant expect to call expert witnesses at the trial of this case? If yes, state the name and address of each expert and the testimony expected to be given by each expert.

ANSWER:

Yes. Not determined at this time.

GEORGIA PACIFIC CORPORATION

By: L. Philip McClendon  
L. Philip McClendon

ST 0009984

STATE OF GEORGIA  
COUNTY OF FULTON

§  
§  
§

BEFORE ME, the undersigned authority, on this day personally appeared L. Philip McClendon, known to me to be the person whose name is subscribed to the foregoing instrument, being first duly sworn did depose and state as follows:

That I am Associate General Counsel - Litigation and Assistant Secretary of Georgia-Pacific Corporation, a defendant in the above entitled action; that the matters stated in the foregoing Responses to Interrogatories are not all within my personal knowledge and that I am informed that there is no single officer of defendant Georgia-Pacific Corporation who has personal knowledge of all such matters; that the facts stated in said answers have been assembled by authorized employees and counsel of the said defendant; and that I am informed and believe that said answers are true and correct.

  
L. Philip McClendon

SWORN TO AND SUBSCRIBED before me on this the 10th day of  
October, 1983.

  
Notary Public in and for  
The State of Georgia

My Commission Expires 1-18-87

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The following is a list of all products ever manufactured by Georgia-Pacific which would have contained any amounts of raw asbestos.

| PRODUCT                                        | SIZE              | YEAR PRODUCT POSSIBLY DEVELOPED<br>(CONTAINING ASBESTOS) | YEAR ASBESTOS<br>WAS PHASED OUT | MANUFACTURING LOCATION                  | DEVELOPED BY G-P,<br>BESTVAL, OR CERTAIN |
|------------------------------------------------|-------------------|----------------------------------------------------------|---------------------------------|-----------------------------------------|------------------------------------------|
| Ready Mix Joint Compound                       | 1, 4 and 5 gallon | 1963                                                     | 1977                            | Acme, Akron, Milford, Chicago, Marietta | BE                                       |
| Ready Mix Topping                              | 4 & 5 gallon      | Late 60's                                                | 1977                            | Acme, Chicago, Milford                  | G-P                                      |
| Joint Cement                                   | 25 lb. bag        | 1937                                                     | 1977                            | Acme, Ft. Dodge, Akron                  | CT                                       |
| All Purpose Joint Compound-Casela              | 25 lb. bag        | 1950-51                                                  | 1977                            | Acme,                                   | CT                                       |
| Bedding Casela Adhesive                        | 25 lb. bag.       | 1950-51                                                  | 1977                            | Acme, Akron, Acme                       | CT                                       |
| Topping Casela Adhesive                        | 25 lb. bag        | 1950-51                                                  | 1977                            | Acme, Akron, Acme                       | CT                                       |
| All Purpose Joint Compound Vinyl Base Adhesive | 25 lb. bag        | 1963-64                                                  | 1976                            | Acme, Marietta                          | BE                                       |
| Joint System Compound-Vinyl                    | 4 & 5 lb. bag     | 1963-64                                                  | 1974                            | Acme, Akron, Milford, Chicago, Marietta | BE                                       |
| Bedding Vinyl Base Adhesive                    | 25 lb. bag        | 1963-64                                                  | 1975                            | Acme, Akron, Milford, Marietta, Chicago | BE                                       |
| Topping Vinyl Base Adhesive                    | 25 lb. bag        | 1963-64                                                  | 1975                            | Acme, Akron, Milford, Marietta, Chicago | BE                                       |
| Triple Duty Vinyl Base Adhesive                | 25 lb. bag        | 1963-64                                                  | 1976                            | Acme, Akron, Marietta                   | BE                                       |
| One Day Joint Compound, (Epoxy Set)            | 25 lb. bag        | 1963                                                     | 1974                            | Acme, Blue Rapids                       | BE                                       |

L. PHILIP McLENDON, GEORGIA-PACIFIC CORP.

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|                                                 |            |                      |         |                       |     |
|-------------------------------------------------|------------|----------------------|---------|-----------------------|-----|
| Wall Texture                                    | 25 lb. bag | 1934                 | 1977    | Acme, Akrosh, Chicago | CT  |
| Ceiling Texture<br>(fine, medium<br>and coarse) | 25 lb. bag | 1930's (mid to late) | 1972-73 | Acme                  | BE  |
| Ceiling Texture<br>Polystyrene                  | 32 lb. bag | 1972                 | 1973    | Acme                  | G-P |
| Ceiling Texture<br>Vermiculite                  | 40 lb. bag | 1930's (mid to late) | 1972    | Acme                  | BE  |
| Patching Plaster                                | Unknown    | 1947                 | 1976    | Acme, Chicago         | CT  |

The manufacturing locations listed for a given product are the ones we have been able to definitely determine. Specific products may have been manufacturing at some of our other joint systems facilities. (Certainteed consolidated all joint compound manufacturing in Acme, Texas in 1971.)

EXHIBIT "B"

Asbestos fiber content by weight of Georgia-Pacific Corporation products manufactured between the years 1940 and 1980:

Joint Treating Compounds - 4.3%

Wall Texture - 7%

Patching Plaster - 2%

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*Exhibit #1 E+2*

*5 gal Ready-Mix*

**CAUTION**

- CONTAINS ASBESTOS FIBERS.
- AVOID CREATING DUST.
- BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM.
- USE APPROVED RESPIRATOR WHEN SANDING.

*5's*

*1 gal Ready Mix*

**CAUTION**

- CONTAINS ASBESTOS FIBERS.
- AVOID CREATING DUST.
- BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM.
- USE APPROVED RESPIRATOR WHEN SANDING.

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*1's*

*Exhibit #2*

*Bag Goods*

**CAUTION**

- CONTAINS ASBESTOS FIBERS.
- AVOID CREATING DUST.
- BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM.
- WHEN MIXING OR SANDING USE APPROVED RESPIRATOR.

*BAGS*

SUSMAN, GODFREY & MCGOWAN

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TELEPHONE  
713 651-0300  
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October 13, 1983

The Honorable Frances Bennett  
District Clerk  
Brazoria County Courthouse  
400 N. Velasco  
Angleton, Texas 77515

Re: Cause No. 81-G-1331; Barbara A. Meyer v. Johns-Manville  
Sales Corporation, et al., in the 239th Judicial District Court  
of Brazoria County, Texas

Dear Ms. Bennett:

Enclosed for filing among the papers of the reference case are the Responses of  
Georgia-Pacific Corporation to Interrogatories of Dow Chemical Company.

By copy of this letter, all counsel of record have been forwarded a copy of same by  
United States Certified Mail, Return Receipt Requested.

Please stamp the copy attached herein and return in the enclosed postage-paid  
envelope for our files.

Thank you for your attention to this matter.

Sincerely,

  
H. Lee Godfrey

HLG:jdw/07/03

Enclosure

ST0009978

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SEP 13 1984

LEGAL DEPARTMENT  
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cc: (Certified Mail/Return Receipt Requested)

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ST0009979

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