

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

SPARTANBURG COUNTY SCHOOL DISTRICT
SEVEN,

Plaintiff,

vs.

NATIONAL GYPSUM COMPANY and
UNITED STATES GYPSUM COMPANY,

Defendants.

AFFIDAVIT OF
SUZANNE K. TORREY

I, Suzanne K. Torrey, being first duly sworn on oath
depose and state:

1. I am Senior Attorney for United States Gypsum
Company.

2. From the beginning of my employment by United
States Gypsum Company in August, 1977 through August, 1984, I
was responsible for the management of litigation involving
U. S. Gypsum, including the instant case and others with similar
allegations.

3. As part of my responsibilities for the management
of litigation, I was personally involved in the initial
investigations concerning the manufacture and sale of Audicote
Acoustical Plaster.

4. As part of that investigation, on August 27, 1980,
I met at U. S. Gypsum's research center, then located in Des
Plaines, Illinois, with A. L. Hampton, then manager of the
Plasters Laboratory and J. Scharlau (now deceased).

5. During that conversation, I learned of the
existence of certain files maintained by the Plaster Laboratory
under the direction and control of Mr. Hampton which included
research materials prepared by the Plasters Laboratory relating
to the development and other research concerning Audicote
Acoustical Plaster.

6. Pursuant to my request, Joe Scharlau gathered for
me and gave me what I understood to be the "working files"
maintained by the Plasters Laboratory.

7. This is reflected by a report dated November 3,
1980, written by J. Scharlau in which he states "Ms. Susan



Torrey SEP. EX. NO. 1
FOR I.D., AS OF 11-25-85 PRC

Torrey, Senior Litigation Attorney, was provided with laboratory files in regard to past USG Acoustical Plaster Products for defense against possible asbestos contamination law suits."

8. The files I received were maintained in blue folders and would have filled approximately three-quarters of a file drawer.

9. Shortly after receiving these documents, I reviewed them and determined that virtually all of the materials contained therein were copies of Research Reports relating to Audicote Acoustical Plaster. The only materials which were not Research Reports were incidental memoranda and/or handwritten notes, the contents of which I do not recall. These would have constituted less than 5 percent of the total materials.

10. These files were maintained in my office continuously until at least July, 1981.

11. During the period approximately July 1, 1981 through October 5, 1981, I was on a maternity leave of absence from U. S. Gypsum.

12. Prior to my departing on leave, I left instructions with legal department staff to return these original records to research during my absence.

13. Upon my return in October, 1981, the Audicote records were not in my office.

14. I had no occasion to look for these records until March, 1983. At that time, I contacted the Plasters Laboratory and requested that the records be sent to my attention. At that time, I was informed that the Plasters Laboratory did not possess these records.

15. In January and February, 1983, two events occurred which could have resulted in the loss of these records. First, an Open House was conducted of the U. S. Gypsum corporate headquarters. In preparation for that event, at the last minute the Legal Department was informed that its floor would be part of the Open House and we were requested to immediately put all materials away. Because many materials were out which had to be quickly stowed, I did not personally supervise this endeavor. Because the Legal Department shares storage space with other departments, it is possible that the documents became lost and/or destroyed at this time.

16. Also in the period January through February, 1983, the U. S. Gypsum Research Center moved from Des Plaines to its new headquarters in Libertyville.

17. I have personally interviewed all personnel who had reason to have access to these documents while they were in the possession of the Legal Department as well as personnel who reasonably could have been expected to have received them at the Research Center. None of these individuals have any specific recollection concerning these documents at any time after July, 1981.

18. Personnel, under my direction and control, have



thoroughly searched all Legal Department and U. S. Gypsum Company files in storage and the documents have not been located.

19. Additionally, J. Scharlau was very ill in the time frame of March, 1983, and subsequently died. I was never able to speak with him personally concerning the whereabouts of these documents after March, 1983.

20. To the extent that these documents were copies of Research Reports, Research Reports concerning Audicote Acoustical Plaster have been maintained by the Research Department Library on microfilm and have been made available previously to counsel for plaintiff in this case.

Further Affiant Sayeth Not.

Suzanne K. Torrey

Subscribed to and Sworn
before me this _____ day
of _____

Notary Public

