

MAR 21 1996* 4801

NO. 9410078

PLAINTIFF'S
EXHIBIT

KM - 38

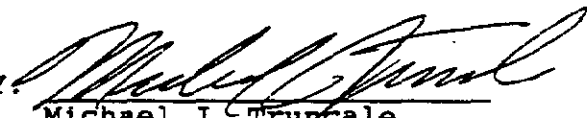
IN RE: ASBESTOS LITIGATION § IN THE DISTRICT COURTS
 §
 § OF BEXAR COUNTY, TEXAS

KELLY-MOORE PAINT CO., INC.'S
SUPPLEMENTAL DESIGNATION OF TRIAL EXHIBITS

Comes Now, Kelly-Moore Paint Co., Inc., and pursuant to the Texas Rules of Civil Procedure, submits and files its supplemental designation of trial exhibits, and would show unto the court the following:

Respectfully submitted,

ORGAIN, BELL & TUCKER, L.L.P.
470 Orleans Street
Beaumont, Texas 77701
409-838-6412
FAX: 409-838-6959

BY: 

Michael J. Truncale
State Bar No. 20258125

ATTORNEYS FOR DEFENDANT,
KELLY-MOORE PAINT CO., INC.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing has been served upon all interested counsel of record on this the 28th day of March, 1996.


MICHAEL J. TRUNCALÉ

1. All interrogatory answers, request for production responses, request for admission responses, and any supplementations thereto, for all plaintiffs in the above-entitled cause.
2. All interrogatory answers, request for production responses, request for admission responses, and any supplementations thereto, for all defendants in the above-entitled cause.
3. All exhibits, if any, attached to all depositions taken in the above-entitled cause.
4. All exhibits, designated by all plaintiffs in the above-entitled cause.
5. All exhibits, designated by all defendants in the above-entitled cause.
6. Medical records from all doctors listed on plaintiffs' list of physicians attached to plaintiffs' discovery responses, and/or medical records from health care providers or in any other defendant's responses to discovery or designation of trial exhibits in the above-entitled cause.
7. Medical records from all hospitals and/or health care listed on plaintiffs' list of hospitalizations attached to plaintiffs' discovery responses or in any other defendant's responses to discovery or designation of trial exhibits in the above-entitled cause.
8. Photographs of Kelly Moore packaging.
9. Kelly Moore Paint Company, Inc.'s Reply to Interrogatories Re: Moyers v. Armstrong World Industries, Inc., et al; District Court of Potter County, Texas, 47th Judicial District, June 20, 1990 (B&B's KM-1).
10. Kelly Moore Paint Company, Inc.'s Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Travis County, Texas, July 26, 1995 (B&B's KM-2).
11. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery; In re: Asbestos Litigation; District Courts of Bexar County, Texas, August 3, 1995 (B&B's KM-3).
12. Baron & Budd letter sent via FAX September 21, 1995, from Melissa Hutts to Michael Truncala re: Kelly Moore Paint Company's Answers to Plaintiffs' Master Interrogatories In Re: All Asbestos Personal Injury or Death Cases Filed or To Be Filed in Dallas County, Texas (B&B's KM-4).

13. Orgain, Bell & Tucker, L.L.P. letter sent via FAX September 21, 1995, from Michael J. Truncale to Melissa Hutts re: Kelly Moore Paint Company's Answers to Plaintiffs' Master Interrogatories In Re: All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas (B&B's KM-5).
14. Kelly Moore Paint Company's Responses to Request for Production of Plaintiffs; Re: All Asbestos-Related Personal Injury or Death Cases Filed by Baron & Budd, P.C. or to be Filed by Baron & Budd, P.C. in Dallas County, Texas; In the District Courts, Dallas County, Texas, 191st Judicial District, May 19, 1995 (B&B's KM-6).
15. Kelly Moore Paint Company's Response to Requests for Production of Plaintiffs; In re: All Asbestos Related Personal Injury or Death Cases Filed by Baron & Budd, P.C. or to be filed by Baron & Budd, P.C. in Dallas County, Texas; in the District Courts, Dallas County, Texas, 191st Judicial District, August 5, 1995, and all exhibits attached thereto (B&B's KM-7).
16. Document titled "Kelly-Moore Paint Company, Inc. Summary of Liability Policies January 1, 1956 - October 1, 1984" (B&B's KM-8).
17. Copies of packaging of Paco Textures Corporation asbestos-containing products (B&B's KM-9).
18. Copy of Paco Textures Corporation warning (B&B's KM-10).
19. Agreement of Purchase, Sale and License by and between Freeman Quality Drywall Products, Inc. and Kelly-Moore Paint Company, Inc., December 16, 1978 (B&B's KM-11).
20. Kelly-Moore Paint Company, Inc. letter dated July 15, 1981, from William E. Moore, Acknowledged & Agreed by William D. Freeman; re: Amendment to "Agreement of Purchase, Sale and License" dated December 16, 1978 (B&B's KM-12).
21. Document titled "Kelly-Moore Paint Company, Inc. Production and Sales (by Factory Location) of Drywall. Products Containing Asbestos" for Kirkland, Washington; Date "Use of Asbestos" in Products Ceased: March 1972 (B&B's KM-13).
22. Document titled "Kelly-Moore Paint Company, Inc. Production and Sales (by Factory Location) of Drywall. Products Containing Asbestos" for Tulsa, Oklahoma; Date "Use of Asbestos" in Products Ceased: August, 1975 (B&B's KM-14).

23. Document titled "Kelly-Moore Paint, Texas Division - Tulsa, Ray Material Purchases, November 1, 1972 - October 31, 1973, with attachments (B&B's KM-15).
24. Report titled "Kelly-Moore Paint Company, Inc. Production and Sales (by Factory Location) of Drywall, Products Containing Asbestos" for Ontario, California; Date "Use of Asbestos" in Products Ceased; January, 1975 (B&B's KM-16).
25. Report titled "Kelly-Moore Paint Company, Inc. Production and Sales (by Factory Location) of Drywall, Products Containing Asbestos" for Dallas, Texas; Date "Use of Asbestos" in Products Ceased; June, 1967 (B&B's KM-17).
26. Handwritten charts of "Asbestos Purchased in Tons for Dallas and Hurst, dated 1961 - 1977 (B&B's KM-18).
27. Report titled "Kelly-Moore Paint Company, Inc. Production and Sales (by Factory Location) of Drywall Products Containing Asbestos" for Richmond, California; Date "Use of Asbestos" in Products Ceased: April, 1964 (B&B's KM-19).
28. Memo dated November 4, 1970, from John Dickman to Doug Merrill, et al. (B&B's KM-20).
29. Kelly-Moore Memo dated November 9, 1970, from Douglas Merrill to John Dickman; subject: Department Personnel and Job Assignment (B&B's KM-21).
30. Report titled "Paco Textures Division, San Carlos, California, Production and Sales Report, Jan-Dec 1972 - Year End Review" (B&B's KM-22).
31. Handwritten reports regarding San Carlos Purchases dated 1971-1976 (B&B KM-23).
32. Report titled "Kelly Moore Paint Company, Inc. Production and Sales (By Factory Location) of Drywall Products Containing Asbestos" for Houston, Texas; Date "Use of Asbestos" in Products Ceased: September 1974 (B&B KM-24).
33. Articles of Incorporation of PACO Textures Corporation dated November 2, 1957 (B&B's KM-25).
34. Brief History of Kelly-Moore's Paco Dry Wall Division's Production and Sales by D. Merrill, December 1982 (B&B's KM-26).
35. Deposition of Douglas Merrill taken November 20, 1995, in the case of Samuel Oliphant Wooley, Jr., et al. v. Owens-Corning Fiberglas Corporation, et al; Cause No. 94-09-04823-B.

36. Kelly-Moore Paint Company, Inc.'s Answers to Master Discovery; In re: Asbestos Litigation; District Courts of Bexar County, Texas, July 26, 1995.
37. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery; In re: Asbestos Litigation; District Courts of Bexar County, Texas, October 16, 1995.
38. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery; In re: Asbestos Litigation; District Courts of Bexar County, Texas, November 1, 1995.
39. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery; In re: Asbestos Litigation; District Courts of Bexar County, Texas, December 4, 1995.
40. Kelly-Moore Paint Company, Inc.'s Answers to Master Discovery; In re: Asbestos Litigation In the District Courts of Cameron County, Texas, November 30, 1995.
41. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery; In re: Asbestos Litigation In the District Courts of Cameron County, Texas, December 4, 1995.
42. Kelly-Moore Paint Company, Inc.'s Answers to Master Discovery In Re: All Asbestos-Related Personal Injury or Death cases Filed or to be Filed in the District Courts of Dallas County, Texas, filed July 5, 1995.
43. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: All Asbestos-Related Personal Injury or Death cases Filed or to be Filed in the District Courts of Dallas County, Texas, filed October 16, 1995.
44. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: All Asbestos-Related Personal Injury or Death cases Filed or to be Filed in the District Courts of Dallas County, Texas, filed November 16, 1995.
45. Kelly-Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: All Asbestos-Related Personal Injury or Death cases Filed or to be Filed in the District Courts of Dallas County, Texas, filed December 4, 1995.
46. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Travis County, Texas, August 3, 1995.
47. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Travis County, Texas, October 16, 1995.

48. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Travis County, Texas, November 15, 1995.
49. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Travis County, Texas, December 4, 1995.
50. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Bexar County, Texas, February 21, 1996.
51. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Cameron County, Texas, February 21, 1996.
52. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation: District Courts of Dallas County, Texas, February 21, 1996.
53. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation: District Courts of Travis County, Texas, February 21, 1996.
54. Kelly Moore Paint Company, Inc.'s Designation of Fact Witnesses, Carl Patton Franklin, Sr., et al. v. Owens-Corning Fiberglas, et al; District Court of Cameron County, Texas, 103rd Judicial District; December 19, 1995.
55. Kelly Moore Paint Company, Inc.'s Supplemental Designation of Trial Exhibits; Carl Patton Franklin, Sr., et al. v. Owens-Corning Fiberglas, et al; District Court of Cameron County, Texas, 103rd Judicial District; December 29, 1995.
56. Kelly Moore Paint Company, Inc.'s Answers to Interrogatories and Responses to Request for Production Propounded by Plaintiffs; In Re: Asbestos Litigation; District Courts of Harris County, Texas, January 5, 1996.
57. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Bexar County, Texas, March 18, 1996.
58. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation; District Courts of Cameron County, Texas, March 18, 1996.
59. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation: District Courts of Dallas County, Texas, March 18, 1996.

60. Kelly Moore Paint Company, Inc.'s Supplemental Answers to Master Discovery In Re: Asbestos Litigation: District Courts of Travis County, Texas, March 18, 1996.
61. Certificate of No Record of a Corporation by the Name of Paco Textures Corporation from the Secretary of State, State of Georgia.
62. Certificate of No Record of a Corporation by the Name of Kelly Moore Paint Company, Inc. from the Secretary of State, State of Georgia.
63. Certificate of No Record of a Corporation by the Name of Paco Textures Corporation from the Secretary of State, State of Alabama.
64. Certificate of No Record of a Corporation by the Name of Kelly Moore Paint Company, Inc. from the Secretary of State, State of Alabama.