FILE NAME: Cape Asbestos (CAPE)

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DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO

IN RE ASBESTOS CASE NO. 79-CV-1774-2D

LOUIS PACELLO,
Plaintiff,

v.

CASE NO. 80-CV-0089-2

JOHNS-MANVILLE SALES CORPORATION (successor by merger to JOHNS-MANVILLE PRODUCTS CORPORATION), et al. Defendants.

NORTH AMERICAN ASBESTOS CORPORATION
ANSWERS TO PLAINTIFF'S REQUEST FOR PRODUCTION

OPENING STATEMENT

NORTH AMERICAN was formed in 1953 for the purpose of expediting and facilitating the movement of raw crocidolite asbestos sold by Cape Blue Mines (Pty.), Ltd. of Koegas and Pomfret, South Africa, and raw amosite asbestos sold by EGNEP (Pty.), Ltd. of Penge, South Africa, as well as for the sale of raw asbestos and certain asbestos products such as rope, yarns, and cloth purchased from other sources. The company was essentially a one-man operation consisting of a president-sales representative, and four office clerical personnel. Robert Cryor (now deceased) acted in the capacity as president and director of the corporation from 1953 through 1970. Mr. C. G. Morgan acted as Director and Chief Sales Representative from December 1, 1971 through May 19, 1978, and was President from June 10, 1974 through May 19, 1978. The company was voluntarily dissolved on May 19, 1978.

NORTH AMERICAN operated a small, experimental manufacturing facility at 500 McKinley, Mundelein, Illinois, from time to time during the years of 1963 through 1966. This operation produced, on an experimental basis, an asbestos mat-like product, sold under the name of Noramite, and was used primarily in the plastics and space industries. The great majority of Noramite produced at the Mundelein facility was sold to a single customer in California.

The company has not been in existence since May 19, 1978, and has had no officers, directors of employees since that date who can provide personal knowledge as to the company's affairs. The information which formed the basis of the Defendant's

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Answers herein, has been gathered by counsel for the Liquidating Trustee, Mr. Max E. Meyer, of 115 South LaSalle Street, Chicago, Illinois 60603, and is based in part on the personal knowledge of the said trustee, and information derived by counsel from existing business records of NORTH AMERICAN now in custody of counsel. Many of the company's records are now unavailable. Records of purchases and sales made by the company for the period 1953 through 1967 were destroyed in 1970 at the time the company moved to new and smaller quarters at 150 South Wacker Drive, Chicago, Illinois. NORTH AMERICAN will permit Plaintiff to inspect and copy its remaining business records upon receipt of an appropriate document request therefor.

1. The records and books of NAAC in the control and custody of Mary G. Oppenheim, Liquidating Receiver, 111 West Washington Street' Chicago' Illinois, which contain information about the names and locations of Defendant's customers for asbestos or asbestos-containing products, the quantity of insulation distributed to the State of Colorado and/or sold or used in the State of Colorado, and the number or amount of products distributed to the State of Colorado and sold in the State of Colorado which contain or are manufactured with asbestos, and which products would include products other than insulation.

RESPONSE: See opening statement. The files and records of NAAC will be made available to you upon receipt of proper notice.

2. All NAAC insurance policies where the company is the insured on a liability insurance policy that would cover the incident referred to in the Complaint.

RESPONSE: The files and records of NAAC will be made available to you upon receipt of proper notice.

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Personally appeared before me, MARY G. OPPENHEIM, who, being duly sworn, deposes and says that she is the Liquidating Receiver of the NORTH AMERICAN ASBESTOS CORPORATION Liquidating Trust; that the NORTH AMERICAN ASBESTOS CORPORATION has been dissolved and liquidated; that as Liquidating Receiver of the Liquidating Trust she has custody of the existing business records of NORTH AMERICAN ASBESTOS CORPORATION, and has knowledge of the said files and records, to the extent they are available, as set forth in Exhibit A to NORTH AMERICAN's Answers herein. In the course of the preparation of these Answers, she examined the files and records of the corporation, or caused the same to be examined, and that she has read the foregoing Answers and, based upon the aforesaid records of the corporation, the same are true and correct to the best of her information and belief.

Mary G. Oppenheim

Subscribed and sworn to
before me this 4th day
of December, 1982.

Adrienne Pike
Notary Public