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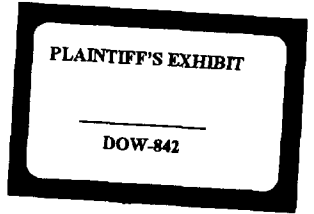
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August 31, 1983

Ms. Frances Bennett
District Clerk
Brazoria County
400 N. Velasco
Angleton, Texas 77515

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

Dear Ms. Bennett:

Enclosed for filing please find the original plus one copy of Dow Chemical Company's Answers to Interrogatories. Please date stamp the extra copy of this document and return to me in the self-addressed, stamped envelope also enclosed.

By copy of this letter I am sending a copy of the enclosed to counsel for Kaiser Gypsum Company, Inc. by United States certified mail, return receipt requested, and all other counsel of record by regular mail.

Thank you for your assistance in this matter.

Yours truly,

Andrew S. Hanen

169/lap

Enclosure

cc: Larry D. Knippa, Esq. (CMRRR)
All Other Counsel of Record (Regular Mail)
bcc: Mr. Jack H. Barber
Edward A. Aldous, Esq. ✓

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RECEIVED

1983

KNIPPA & KRAL
ATTORNEYS AT LAW
2800 TEXAS COMMERCE TOWER
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JOY HAYNES HESTER

(713) 224-3330

November 4, 1983

Ms. Frances Bennett
District Clerk
Brazoria County
400 N. Velasco
Angleton, Texas 77515

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

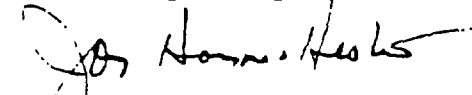
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copy of Kaiser Gypsum Company, Inc.'s Answers to Interrogatories.
Please date stamp the extra copy of this document and return
it to me in the self-addressed, stamped envelope also enclosed.

By copy of this letter I am sending a copy of the en-
closed to counsel for Dow Chemical Company, by United States
certified mail, return receipt requested, and all other counsel
of record by regular mail.

Thank you for your assistance in this matter.

Yours very truly,


Joy Haynes Hester

JHH/dn
Enclosures
cc w/enc.
Mr. Andrew S. Hanen
Certified Mail - Return Receipt Requested

1666009991

BARBARA MEYER	\$	IN THE DISTRICT COURT OF
v.	\$	BRAZORIA COUNTY, TEXAS
JOHNS-MANVILLE SALES CORPORATION, ET AL.	\$	239TH JUDICIAL DISTRICT

TO: DEFENDANT, DOW CHEMICAL COMPANY, by and through their attorney of record, ANDREW S. HANEN, Andrews & Kurth, 4200 Texas Commerce Tower, Houston, Texas 77002.

ATTORNEYS FOR DEFENDANT KAISER
GYPSUM COMPANY, INC.

JOY/HAYNES HESTER

ST0009992

BARBARA MEYER	§	IN THE DISTRICT COURT OF
VS.	§	BRAZORIA COUNTY, TEXAS
JOHNS-MANVILLE SALES CORP.,	§	
ET AL	§	239TH JUDICIAL DISTRICT

ST0009993

ANSWERS 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.

Kaiser Gypsum Company, Inc. (hereinafter referred to in these Answers to Interrogatories as "Kaiser Gypsum") was incorporated in the State of Washington and is licensed to do business in the State of Texas.

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.

Yes.

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

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.

Objection. The term "asbestos containing materials" is vague, ambiguous and undefined. Without waiving said objections, Kaiser Gypsum answers as follows:

To our knowledge, the information set forth in Exhibit A lists all asbestos-containing products manufactured by Kaiser Gypsum and the years such products contained asbestos.

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

See Exhibit A.

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?

Objection. The term "workers" is vague, ambiguous and undefined. Without waiving said objections, Kaiser Gypsum answers as follows:

To our knowledge, beginning in 1971, Kaiser Gypsum's personnel became generally aware of the possible damages of prolonged exposure to asbestos dust. Kaiser Gypsum currently understands that three diseases may be related to the inhalation of asbestos fibers: asbestosis, mesothelioma, and possibly lung cancer.

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.

A reproduction of the warning notice which was placed on asbestos-containing products from 1972 until asbestos was discontinued in such products is attached as Exhibit B.

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.

To the best of our knowledge, in 1972 Kaiser Gypsum began notifying customers using or applying asbestos-containing products of the need to wear respirators to prevent the inhalation or ingestion of asbestos dust or fibers. This was accomplished by means of placing the warning notice referred to in the answer to Interrogatory 7 on containers and other packaging. Although this warning notice does not explicitly call for the use of respirators, the reference stated thereon, 29 CFR 1910.93a., sets forth the requirements and conditions for the use of respirators. Furthermore, Technical Bulletins 5703-A and 5707, both dated October 1973, prescribe the use of respirators during spray application. Copies of those documents are attached hereto as Exhibit C. Additionally, to the best of our knowledge, beginning in approximately 1972, oral warnings were given to Kaiser Gypsum employees about the hazards of inhaling asbestos dust or fibers and instructions were given regarding protective clothing, medical examinations, signs and plant cleanliness. Kaiser Gypsum does not appear to have any records of published bulletins, per se, giving such warnings or instructions.

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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.

It is not probable or likely that Kaiser Gypsum products which contained asbestos could have been distinguished by a layman from products of the same kind distributed by other companies (aside from packaging).

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?

Objection: This interrogatory is vague and ambiguous. Without waiving said objections, Kaiser Gypsum answers as follows:

Yes. The products were not meant to be altered in any way other than as instructed to the user (i.e., cutting of board or adding water to product).

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.

N/A

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:

Not to our knowledge.

- a. Full and correct name.

N/A

- b. Principal place of business.

N/A

- c. State of incorporation.

N/A

- d. Date of acquisition.

N/A

- e. Was this business authorized to transact business in the State of Texas? and

N/A

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.

Objection. The term "workers" is vague, ambiguous and undefined. Without waiving said objections, Kaiser Gypsum answers as follows:

See answer to Interrogatory 8.

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.

Not to our knowledge.

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.

To our knowledge, tests have not been performed by Kaiser Gypsum on products containing asbestos to evaluate the effects of airborne asbestos.

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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.

Kaiser Gypsum has never, to our knowledge, sold products containing asbestos to Dow Chemical Company.

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.

N/A

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.

N/A

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.

Unknown at present.

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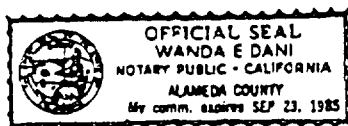
ST0009997

Donna M. Anderson
Assistant Secretary

THE STATE OF CALIFORNIA §
COUNTY OF ALAMEDA §

BEFORE ME, the undersigned authority, on this day personally appeared Donna M. Anderson of Kaiser Gypsum Company, Inc. ~~Company,~~ known to me to be the person whose name is subscribed to the foregoing answers to interrogatories, and after having been duly sworn stated on his/her oath that he/she has read the foregoing answers to interrogatories and that they are true and correct.

SWORN TO AND SUBSCRIBED before me by the said Asst. Secretary of Kaiser Gypsum Company, Inc. ~~Company,~~ on this the 2nd day of November, 1983.



Wanda E. Dani
Notary Public in and for
Alameda County, California

ST0009998

EXHIBIT A

Kaiser Gypsum Product Name	Manufactured		Description of Product
	From	To	
Kaiser Pre-Mix Joint Compound	1960	1975	A compound used to fill gypsum board joints, embed joint reinforcing tape, finish joint and cover and finish nailhead and metal cornerbead.
Kaiser One-Day Joint Compound	1968	1975	*
Kaiser Dual Purpose Pre-Mix Joint Compound	1960	1975	*
Kaiser Joint Compound - Dry Powder	1953	1975	A dry powder which, when mixed with liquid as instructed, was used for same purposes as above products.
Kaiser J-Purpose Compound	1969	1975	A dry powder which, when mixed with liquid as instructed, was used for taping, topping and finishing of gypsum board joint nailheads and cornerbead.
Kaiser Finishing (Topping) Compound	1961	1975	A compound used for topping and finishing gypsum board joints.
Kaiser Pre-Mix Finishing (Topping) Compound	1969	1975	*
Kaiser Cover-Tex Wall Texture	1956	1975	A dry powder which, when mixed with liquid as instructed, was used to produce texture effects over gypsum wallboard surfaces.
Kaiser K-Spray Ceiling Texture	1969	1975	A dry powder which, when mixed with liquid as instructed, was used to produce texture over gypsum board or interior concrete ceilings.
Kaiser Mineral Fibreboard	1964	1973	A product used for acoustical ceiling tile lay-in board and partition sound-deadening board.
Kaiser Gypsum Wallboard	1969	1978	A product used for interior wall and ceilings.

The percentage of asbestos by weight used in these products was very small and varied from product to product.

EXHIBIT B

ST0009999

CAUTION

CONTAINS ASBESTOS FIBERS

AVOID CREATING DUST

BREATHING ASBESTOS DUST

MAY CAUSE SERIOUS BODILY HARM

Above label is in compliance with Federal Regulations relating to Occupational, Safety, and Health Standards, 29 CFR 1910.93a.

ST0010000

EXHIBIT C - Page 1 of 4

TECHNICAL BULLETIN

**KAISER
GYPSUM**

DATE: October 1973

BULLETIN NO.

5703-A

WALLBOARD ACCESSORIES - K-SPRAY CEILING TEXTURE

DESCRIPTION

Kaiser K-Spray Ceiling Texture is a specially formulated dry powder which, when mixed with water, will provide a textured pattern and final white decoration for ceilings. The texture has been formulated for easy mixing, maximum coverage, excellent hide and white color, and easy application.

USES

Kaiser K-Spray is a premixed lightweight aggregate spray texture for use over gypsum wallboard or interior concrete ceilings. The polystyrene aggregate is proportioned to provide a coarse texture final ceiling finish. Designed for use with large capacity pumping systems which have continuous agitation in paste hoppers to prevent aggregate flotation. K-Spray is shipped in sacks, each sack containing a net weight of 32 pounds of K-Spray. A 1/8" thick texture will provide coverage of approximately 250 square feet of surface per sack.

APPLICATION INSTRUCTIONS

SURFACE PREPARATION

Gypsum Wallboard

Prepare gypsum wallboard surfaces with Kaiser Joint and Finishing Compounds as directed. All joints and nail spots should be clean and dry prior to application of K-Spray Ceiling Texture. For best results, apply an alkyl type sealer over entire surface and allow to dry before texture application. A full coverage sealer application is recommended when K-Spray is applied during cold or humid weather conditions which will cause excessively slow drying of texture.

Concrete

All surfaces must be clean, dry, and sound with no chalkiness or efflorescence. Prime exposed wire and metal with rust preventive primer. New concrete ceilings should be aged at least 60 days before application of texture. Remove dirt, grease, and form oil. Irregularities in the concrete surfaces should be removed or filled with one or more applications of Kaiser Joint Compound allowing the first coat to dry before a second application. For best results, apply an alkyl type sealer over entire surface and allow to dry before texture application.

MIXING

Mix Kaiser K-Spray Ceiling Texture with clean, cool water only and do not contact with other materials. Add 32-pound sack of K-Spray to 5 to 6 gallons of water. Mix to a thick paste by slowly adding the dry powder to the water with continuous stirring with a mechanical mixer until the paste is lump-free. Remix after 15 minutes and adjust the paste to desired consistency. Do not over-thin. Mix only enough material that will be used within 24 hours. Keep paste covered when not being used and avoid exposure to direct sunlight or temperature in excess of 90° F. Remix immediately before use, or use continuous agitation in paste hopper during spray application.

APPLICATION

Use a commercial spray unit, including air compressor, pump, connecting hoses and spray gun with nozzle. Adjust the fluid and air flow so as to apply an even coat of texture to a maximum of 1/8" thickness over the entire ceiling surface. Depending on method of application and desired pattern, each bag of K-Spray will decorate from 200 to 300 square feet of ceiling surface. For a heavy texture application, apply in two separate coats, allowing adequate drying time between coats. In addition, surfaces of unequal suction may require two coat application for best results.

Dry the sprayed texture surface rapidly. Maintain a minimum of 55° F. with adequate ventilation in the structure during application and drying.

NOTE

Do not use in areas of high humidity or dampness.

Use a respirator and eye protection during spray application.

ST0010001

TECHNICAL BULLETIN

**KAISER
GYPSUM**

DATE: October 1973

BULLETIN NO. 5707

WALLBOARD ACCESSORIES - COVER-TEX WALL TEXTURE

DESCRIPTION

Kaiser Cover-Tex Wall Texture is a specially formulated dry powder which, when mixed with water, will provide various texture patterns when applied over gypsum wallboard surfaces. The texture is formulated for easy mixing, maximum coverage, excellent hide, easy application, and a white surface as a base for final decoration of walls or ceilings.

USES

Kaiser Cover-Tex is a dry powder texture designed for either hand or spray application for use as a base or final texture on gypsum wallboard walls or ceilings. It is particularly formulated to have good spraying qualities for both "fog" application and for heavy "splatter" patterns, with no sag or running of the texture. Color matched so that when used as a spray wall texture, it will match K-Spray Ceiling Texture.

A wide range of textures may be obtained by hand applying with a brush, sponge, roller, whisk broom, scrub brush, mudded paper, or cloth. A trowel dragged over a stippled area to knock down high spots will produce a brocade effect. Cover-Tex is shipped in 25- or 50-pound sacks. Depending upon the type and thickness of texture, a good approximation of coverage is 20 square feet per pound of dry powder.

APPLICATION INSTRUCTIONS

SURFACE PREPARATION

All joints, fasteners, and irregularities shall be finished with Kaiser Joint Treatment Products; and the wallboard surface shall be clean and dry. For best results, seal all surfaces with a primer-sealer before applying the texture to equalize the suction between the wallboard and the joint treatment.

MIXING

Mix Cover-Tex using 2-1/2 gallons of clean, cool water per 25-pound sack. Add powder to water with continuous stirring with a mechanical mixer until the paste is smooth and lump-free. After letting stand for 15 to 30 minutes, remix and adjust paste to desired consistency. Mix only sufficient material for use within 24 hours and keep paste covered when not being used. Avoid exposure to direct sunlight or temperatures above 90° F.

White sand may be added to Cover-Tex when a sand finish is desired.

APPLICATION

Maintain a minimum of 55° F. with adequate ventilation in the structure during application and drying.

Spray Application

Use a commercial spray unit including an air compressor, pump, connecting hoses, and spray gun with nozzle. Adjust air pressure on spray gun to produce type of textured finish desired, such as a thin coat (fog spray), stipple finish or orange peel finish. Apply an even coat of texture material by moving the nozzle at a uniform rate across the surface. Spray ceilings first and then sidewalls. Use respirator and eye protection during spray application.

KAISER GYPSUM CO. INC. 300 LAKESIDE DRIVE-OAKLAND, CAL. 94604

ST0010002

Hand Application

A wide range of different texture effects can be obtained with Cover-Tex by texturing the painted surfaces with one or more of the following tools:

Brush, roller, sponge, whisk broom, wadded cloth, or a scrub brush

A celluloid triangle may be lightly drawn over a textured area to flatten high spots and produce a brocade effect. A sand finish can be obtained by adding a few handfuls of white silica sand to the mixed material.

DECORATION

Allow Cover-Tex to dry thoroughly before decorating.

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