

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:)
) MPCP-82-1
ASBESTOS-RELATED LITIGATION)
)

RESPONSE ON BEHALF OF VIMASCO
CORPORATION TO PLAINTIFFS' REQUEST FOR
PRODUCTION DATED NOVEMBER 20, 1990

1. Any and all correspondence and other writing, including correspondence, between Vimasco's agents, employees, inhouse counsel, national counsel, and/or North Carolina counsel, including internal memoranda of Vimasco, pertaining to or relating to settlement proposals, negotiations and/or agreements with respect to Plaintiffs represented by Wallace and Pope; Wallace, Whitley, Pope & Black; or Wallace, Whitley and Black.

RESPONSE: Vimasco Corporation, by counsel, objects to the production of such matters on the ground that such matters are protected by the attorney/client privilege, and are the work product of Vimasco Corporation and its counsel.

2. Any and all documents in response to Plaintiffs' Request to Produce Documents served on October 4, 1989, a copy of which is attached hereto as Exhibit "A."

RESPONSE:

(1) Vimasco Corporation is presently unaware of the existence of any information regarding the trademark of products.



Vimasco Corporation currently has possession of one "five gallon pail of WC-1," which has a label on it. Such label can be examined at a mutually convenient time at the offices of Vimasco Corporation, Plant Road, Nitro, West Virginia 25143. Vimasco Corporation is presently unaware of the existence of sales brochures and advertisements of asbestos-containing products manufactured or distributed by Vimasco Corporation.

(2) See Exhibit I attached hereto.

3. All internal writings regarding the use of warning labels or health information material on or around asbestos products.

RESPONSE: Vimasco Corporation is presently unaware of the existence of any such matters.

4. All external writings regarding the use of warning labels or health information material on or around asbestos products.

RESPONSE: Vimasco Corporation is presently unaware of the existence of any such matters.

5. All internal writing regarding asbestos health hazards from 1935 to present.

RESPONSE: Vimasco Corporation was incorporated on June 16, 1952. Vimasco Corporation is presently unaware of the existence of any such matters.

6. All external writings regarding asbestos health hazards from 1935 to present.

RESPONSE: Vimasco Corporation was incorporated on June 16, 1952. To the extent that "NIOSH Technical Assistance Report (TA 77-41)" may be responsive to Request No. 6, a copy is attached hereto as Exhibit II.

7. All Material Safety Data sheets filed by Vimasco from 1960 to present for asbestos-containing products.

RESPONSE: See Exhibits Nos. III, IV, V, VI, VII and VIII, respectively.

8. All Occupational Safety and Health Administration (OSHA), or any other governmental agency, citations against Vimasco regarding dust levels or asbestos health or hygiene matters.

RESPONSE: See Exhibits IX, X and XI, respectively.

9. All medical articles in Vimasco's possession related to asbestos and asbestos related diseases.

RESPONSE: Vimasco Corporation is presently unaware of the existence of any such matters.

10. Any and all documentation under your control relating to the shipment, distribution, procurement, manufacture, or supply of asbestos containing materials or products to any

Duke Power company power plant or to the Mill Power Supply Company from 1935 to present including, but not limited to, the following: Allen, Belews Creek, Buck, Buzzards Roost, Catawba, Cherokee, Cliffside, Cowans Ford, Dan River, Marshall, McGuire, Oconee, and River Bend.

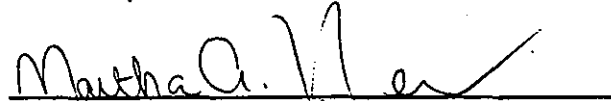
RESPONSE: Vimasco Corporation produced coatings and adhesives which were used in conjunction with insulation products. For a period of time, some of the coatings and adhesives produced by Vimasco Corporation were manufactured with the use of small amounts of asbestos as a means of binding the product together. To the extent that the requested information may exist, all such matters which have been reviewed and inventoried to date by Vimasco Corporation are available for inspection at a mutually convenient date and time at the offices of Vimasco Corporation, Plant Road, Nitro, West Virginia. To date, Vimasco Corporation has identified, reviewed and inventoried the following specific documents which may relate to the shipment, distribution, procurement and supply of asbestos-containing products manufactured by Vimasco Corporation to the locations referenced in Request No. 10: A) Sales Reports; B) Cash Receipt Journals; C) Sales Journals; and, D) Accounts Receivable Journals. Representative examples of such documents are attached hereto as Exhibit Nos. XII, XIII, XIV and XV, respectively. Additionally, Vimasco Corporation has in its possession approximately 20,000 "batch cards" which may also reflect a portion of the requested information. [See a representative sample which is attached hereto as Exhibit XVI.]

The originals of such documents which have been reviewed and inventoried to date by Vimasco Corporation are available for inspection at a mutually convenient date and time at the offices of Vimasco Corporation, Plant Road, Nitro, West Virginia.

VIMASCO CORPORATION

BY COUNSEL

MARTHA NEW, ESQUIRE
POE, HOOF & REINHARDT
REINHARDT BUILDING
401 N. Mangum Street
Durham, North Carolina 27701


Martha New, Esquire

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the parties in this action by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

Mona Lisa Wallace, Esquire
Wallace Whitley & Black
301 N. Main Street
Salisbury, North Carolina 28144
Attorneys for Plaintiff

William C. Brewer, Esquire
Speight, Watson and Brewer
Post Office Drawer 99
Greenville, NC 27835-0099

Donald E. Britt, Jr., Esquire
Poisson, Barnhill & Britt
Post Office Box 807
Wilmington, North Carolina 28402
Attorneys for Owens Corning; H. K. Porter Co., Inc.;
and Eagle-Picher Industries, Inc.

Mark Phillips
Francis L. P. Barnwell
Robert H. Hood & Associates
Post Office Box 1508
Charleston, South Carolina 29401
Attorneys for Center for Claims Resolution

John A. Gardner, III, Esquire
Hedrick, Eatman, Gardner & Kincheloe
Post Office Box 30397
Charlotte, North Carolina 28204
Attorneys for U.S. Mineral Products Corporation

George Ward Hendon, Esquire
Adams, Hendon, Carson, Crow & Saenger, P.A.
Post Office Box 2714
Asheville, North Carolina 28802
Attorneys for Westinghouse Electric Corporation

W. Harold Mitchell, Esquire
Mitchell, Blackwell, Mitchell & Smith, P.A.
Post Office Box 69
Valdese, North Carolina 28690

James B. Pressly, Esquire
Haynsworth, Marion, McKay & Guerard
Post Office Box 2049
Greenville, South Carolina 28690

Robert F. Baker, Esquire
Spears, Barnes, Baker, Wainio, Brown & Whaley
Post Office Box 891
Durham, North Carolina 27702
Attorneys for Garlock, Inc.

S. Dean Hamrick
Richard L. Huffman
Waggoner, Hamrick, Hasty, Monteith,
Kratt, Cobb & McDonnell
2500 Two First Union Center
Charlotte, North Carolina 28282
Attorneys for Celotex Corporation
Carey Canada, Inc., and Raymark Industries, Inc.

C. Michael Evert, Jr., Esquire
Evert & Weathersby
Suite - 225
3405 Piedmont Road, N.E.
Atlanta, Georgia 30305
Attorneys for H. K. Porter Company, Inc. & Southern
Textile Corporation, f/k/a Southern Asbestos Company

Sanford W. Thompson, IV
Buxton S. Copeland
Patterson, Dilthey, Clay, Cranfield,
Sumner & Hartzog
Post Office Box 310
Raleigh, North Carolina 27602
Attorneys for Rock Wool Manufacturing

Gary K. Sue, Esquire
Henson, Henson, Bayliss & Teague
Post Office Box 3525
Greensboro, North Carolina 27402
Attorneys for M. H. Detrick Company

John F. Mitchell
James P. Cain
Petree, Stockton & Robinson
Post Office Box 30004
Raleigh, North Carolina 27622
Attorneys for W. R. Grace & Co.

North Brothers, a division of National Services
Industries, a Georgia corporation
3250 Woodstock Road
Atlanta, Georgia 30316

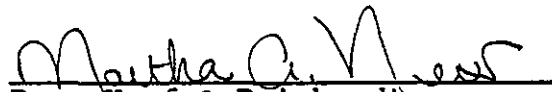
Kenneth Kyre, Jr., Esquire
Nichols, Caffrey, Hill, Evans & Murrelle
Post Office Box 989
Greensboro, North Carolina 27402
Attorneys for Georgia Pacific Corporation

David G. Traylor, Jr., Esquire
Nelson, Mullins, Riley & Scarborough
Post Office Box 11070
Columbia, South Carolina 29211
Attorneys for U. S. Gypsum Company, Keene Corporation,
Owens-Illinois, Inc., National Gypsum Company, GAF
Corporation, Rock Wool Manufacturing Co., Inc., Turner
& Newal, Southern Textile, Inc., ACandS, Inc.,
Armstrong World Industries.

John E. Suthers
John H. Peavy, Jr.
Blasingame, Burch, Garrard & Bryant, P.C.
Post Office Box 832
Athens, Georgia 30603
Attorneys for Fibreboard Corporation and Pittsburgh
Corning Corporation

James Price, Esquire
McGuire, Woods, Battle & Boothe
One James Center
Richmond, Virginia 23219
Attorneys for Westinghouse Electric Corporation

This the 21st day of January, 1991.


Poe, Hoof & Reinhardt