

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH ARTHUR QUIGLEY, JR.
ET AL.,

Plaintiffs,

v.

ARMSTRONG WORLD INDUSTRIES
INC., ET. AL.,

Defendants.

Civil Action No. 83-2989

Judge Barrington Parker

A F F I D A V I T

Richard W. Boyle, first duly sworn according to law deposes
and states:

1. I am the Secretary-Treasurer of the Krafft-Murphy
Company (Krafft-Murphy).

2. I have personal knowledge of the matters set forth in
this affidavit.

3. Krafft-Murphy was founded in 1918 and was initially
engaged in the lathing and plastering contracting business.
Krafft-Murphy's offices have been located in several different
locations in the District of Columbia as well as in Arlington,
Virginia and are presently located at 3543 West Braddock Road,
Alexandria, Virginia 22302. Since the mid 1950's
Krafft-Murphy has maintained a warehouse located in the 3800
block of South Four Mile Run Drive, Arlington, Virginia.

4. In the late 1950's the stockholders of Krafft-Murphy
formed the National Asbestos Company, Inc. (National).

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EXHIBIT 5

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National engaged in the spray insulation contracting business. National had common offices with Krafft-Murphy and used the Krafft-Murphy warehouse.

5. Soon after its formation, National entered into a sublicense agreement with the Keasbey and Mattison Company (K&M) for the Spray Limpet Asbestos Process. National's territory under the agreement included the District of Columbia.

6. While the K&M sublicense was in effect, National regularly applied Sprayed Limpet Asbestos in buildings located in the District of Columbia.

7. National placed orders for Limpet through K& M.

8. I have found among the business records of Krafft-Murphy a piece of K&M promotional material, a black binder containing photographs of the interiors of buildings in which Limpet has been applied. Among these photographs a photo of the Mills Petticord & Mills building located in the District of Columbia. Our company applied the Sprayed Limpet Asbestos used in this building. A true and accurate photocopy of the binder cover and the photograph is attached hereto as Exhibit A.

9. I have also found among the business records of Krafft-Murphy a Turner & Newall Ltd brochure, with the business card of Mario Bucco stapled to the cover. Mario Bucco was an employee of National. A true and accurate copy of these materials are attached hereto as Exhibit B.

10. In the early 1960's the stockholders of Krafft-Murphy, National and a third related company, K-M Acoustics, decided to combine the operations of the three companies into Krafft-Murphy.



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11. In 1962 K&M went out of business. On December 31, 1962 Krafft-Murphy entered into a sublicense agreement with Armstrong Contracting and Supply Corporation (AC&S) for the Spray Limpet Asbestos process. A true and accurate copy of that agreement together with a true and accurate copy of the February 4, 1963 cover letter of A.C. Richardson AC&S's commodity manager for Sprayed Limpet Asbestos to Frank Krafft, are attached hereto as Exhibit C. Under this agreement Krafft-Murphy's territory included, in part, the District of Columbia, Northern Virginia and the State of Maryland.

12. As Mr. Richardson's letter indicates, all copies of the agreement were sent to England by AC&S, which is why he had to send to England for Krafft-Murphy's copy of the agreement.

13. While the sublicense with AC&S was in effect Krafft-Murphy regularly applied Sprayed Limpet Asbestos in buildings located in the District of Columbia. Krafft-Murphy placed orders for Limpet through AC&S. The Limpet that was received was manufactured by J.W. Roberts located in England.

14. The Limpet was shipped from England to either the port of Baltimore, Maryland or Gloucester City, New Jersey, trucked to the Krafft-Murphy warehouse, and then taken as needed to the District of Columbia construction sites. On occasion the Limpet was delivered from the port directly to District of Columbia jobsites.

15. The German Embassy job is one example of a job which involved direct delivery of Limpet to a District of Columbia jobsite. Krafft-Murphy applied at least 40,000 lbs of Spray

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Limpet Asbestos at the German Embassy. The German Embassy job was done from 1962-1963 and the approximate cost of the Limpet which was used on that job was \$5,200.00.

16. Krafft Murphy received on occasion confirmation of Limpet orders from J.W. Roberts through AC&S One example is the February 2, 1965 letter from A.C. Richardson to Frank Krafft a true and accurate copy of which is attached hereto as Exhibit D.

17. I have found among the business records of Krafft-Murphy, AC&S Sprayed Limpet Asbestos promotional material a true and accurate copy of which is attached as Exhibit E.

18. On July 20, 1967 AC&S assigned its sublicense agreement with Krafft-Murphy to Atlas Asbestos Company, (Atlas) located in Canada. A true and accurate copy of the July 20, 1967 letter from J.S. Taylor Vice President of AC&S to Krafft Murphy notifying us of the assignment is attached hereto as Exhibit F.

19. Thereafter, Krafft-Murphy continued to apply Limpet in District of Columbia buildings. However now, Krafft-Murphy ordered Limpet from Atlas. Atlas frequently shipped Sprayed Limpet Asbestos ordered by Krafft-Murphy directly to District of Columbia jobsites by truck from Canada. On other occasions Atlas shipped the Limpet by truck for delivery at the Krafft-Murphy warehouse. The Limpet which was received was manufactured by Atlas in Canada.

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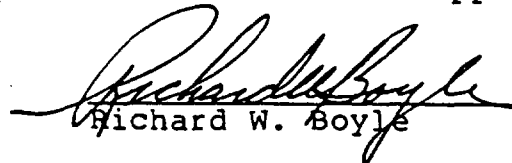
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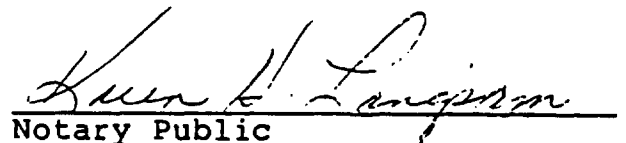
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20. Krafft-Murphy did not purchase Sprayed Limpet Asbestos after March, 1971.

21. Krafft-Murphy throughout the period it served as a sublicencee for the Sprayed Limpet Asbestos process applied Limpet in buildings located in the District of Columbia on a weekly basis. During the period that Krafft-Murphy was a sublicencee to AC&S, approximately 60% of Krafft-Murphy's spray insulation work involved District of Columbia applications. During the period that Krafft-Murphy was a sublicencee to Atlas approximately 50% of Krafft-Murphy's spray insulation work involved District of Columbia applications. As a result today there are literally hundreds of buildings in the District of Columbia in which Sprayed Limpet Asbestos has been applied.


Richard W. Boyle

Subscribed and sworn to before me this 13th day of
January, 1984.


Notary Public

My Commission expires: 3-25-87

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