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GORDON, MUIR AND FOLEY
ATTORNEYS AT LAW

AUG 20 1981

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HARTFORD, CONNECTICUT 06103

TELEPHONE (203) 525-5361

WILLIAM S. GORDON, JR.
(1946-1956)

GEORGE MUIR
(1939-1976)

August 17, 1981



James K. Green, Esq.
Johns-Manville Corporation
Ken-Caryl Ranch
Denver, CO 80217

Dear Mr. Green:

Carey Canada has just responded to plaintiffs' interrogatories in CNL #3, 4, and 6. These are the cases brought by counsel in association with Ron Motley. I assume that much of the information provided is routine, and I am therefore not copying it. I am, however, providing you with a copy of the response to number 115. You will note that this answer suggests that the Asbestos Workers Union had knowledge of asbestos hazards since 1950.

Very truly yours,

Peter C. Schwartz

PCS/mef

Enclosure

AUG 20 1981

115. If it is your contention that plaintiff (or plaintiff's decedent where applicable) as an asbestos insulation mechanic knew that the inhalation of asbestos fibers was harmful to his health, please state how plaintiff (or plaintiff's decedent where applicable) would have acquired said knowledge. Please state the date plaintiff (or plaintiff's decedent where applicable) became aware of the harmful effects of the inhalation of asbestos fibers.

Unknown at the present time. Although there are numerous ways plaintiff may have acquired said knowledge, the most likely source of said knowledge would have been the Asbestos Workers Union.

As stated previously in these answers, the defendant is not engaged in manufacturing insulation products. As a result, the defendant has had no contact whatever with the mechanic insulators referred to in this Interrogatory. However, as a result of this litigation, it has been revealed that plaintiffs' international union possessed information regarding asbestos exposure at least as far back as 1950 and so informed its locals. Furthermore, representatives of Local #33 attended medical conferences warning of potential asbestos hazards and advising of the precautions that should be taken, including masks and respirators. Tapes of the speakers at these conferences were available to its members. Reports on the results of the conferences were also presented at the local meetings. The defendant is still in the process of discovery and reserves the right to amend this answer as further information is discovered.

116. State whether any officers, agents, servants or employees of the defendant have ever testified before any governmental body regarding the possible harmful effects of asbestos exposure. If so, state:

- (a) When and where such testimony was given.
- (b) Summary of said testimony.
- (c) If recorded, and if so, attach a copy of the answer to these Interrogatories.

No

117. State the names of any expert witness that you intend to rely upon at the trial of this action and identify the subject matter upon which each said expert will testify, his or her opinions and the grounds upon which the opinions are based.

Unknown at present time. Discovery is continuing in this and related cases.

118. If written documents in the form of "scientific data" will be introduced into evidence upon a trial of this cause by the defendant, describe

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD BUNTEN and	)	
ROSE MARGARET BUNTEN,	)	
et al,	)	
	)	
Plaintiffs,	)	
	)	Cause Number 80-0868-C(4)
v.	)	
	)	
TURNER & NEWALL, LTD.,	)	
et al,	)	
	)	
Defendants.	)	

RESPONSE OF DEFENDANT CAREY CANADA, INC., TO
PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW Defendant Carey Canada, Inc., and for its
Response to Plaintiffs' Request for Production of Documents
states as follows:

Item 1 - Defendant did not manufacture any finished
insulation product. There are no documents described or
referred to in the Interrogatory.

Item 2 - See response to Item 1.

Item 3 - See response to Item 1.

Item 4 - See attachment to Interrogatory No. 4.

Item 5 - See the answer to Interrogatory No. 5.

Item 6 - There are no literature, brochures, documents
or materials described or referred to in the Interrogatory
Answer.

Item 7 - See response to Item 6.

Item 8 - This Defendant does not currently have any
medical reports or records of Plaintiff. Any medical reports
or records of Plaintiff would be obtained through medical
authorizations furnished by the Plaintiff.

Item 9 - Defendant currently has no statements or writings of Plaintiff pertaining to the occurrence described in Plaintiffs' Petition.

Wm O. O. L. L.
Gary P. Paul #27655
BRINKER, DOYEN & KOVACS, P.C.
Attorneys for Defendant CAREY
CANANDA, INC.
226 South Meramec - Suite 200
P. O. Box 11613
Clayton, Missouri 63105
863-6311

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COMPLETE COPY OF THIS INSTRUMENT WAS MAILED TO THE ATTORNEYS OF RECORD OF EACH PARTY TO THE ABOVE ACTION, ADDRESSED TO SAID ATTORNEYS AT THEIR BUSINESS ADDRESS, ON THE _____ DAY

OF 2-1-71, 1971
W. O. O. L. L.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT-OF MISSOURI
EASTERN DIVISION

RICHARD BUNTEN and
ROSE MARGARET BUNTEN,
et al.,

Plaintiffs,

vs.

TURNER & NEWALL, LTD.,
et al.,

Defendants.

Cause No. 80-0868-C(4)

ANSWERS OF DEFENDANT CAREY CANADA, INC.,
(PLED AS CAREY CANADIAN MINES, LTD.) TO PLAINTIFFS' INTERROGATORIES

Comes now Defendant Carey Canada, Inc. pled as Carey Canadian Mines, Ltd., and for its response to Plaintiffs' interrogatories states as follows:

1. Defendant has never manufactured, sold, or distributed any finished asbestos containing products. Defendant has only been involved in the mining and milling of raw chrysotile asbestos fiber.

2. Not Applicable.

3. Not Applicable.

4. Defendant published a Material Safety Data Sheet in 1972 in a form approved by the United States Department of Labor. In most cases, the distribution of this material was effected by mailing. See attached bulletin 381, dated April 5, 1972, marked Exhibit "A".

5. Not Applicable.

6. Yes. Based on information and belief, respirators are used on a limited basis by the following employees: Driver of the bulldozer, and by employees who have occasion to work in the area where the tailings are dumped or in the dry rock storage area. Face masks are worn occasionally by the dry operators or their helpers. Safety glasses and safety hats are worn by all nonmanagement employees and by all personnel or others present in the mining and milling facility. Safety shoes and gloves are sometimes worn by various employees of the Defendant. Our investigation is continuing in this area to determine specific dates and types of respirators used.

7. Not Applicable. -
8. No.
9. No.
10. No.
11. No.
12. No.
13. No.
14. None.
15. (a) through (e) None.

(f) Defendant has not directly conducted any study concerning asbestos and its relationship to health and safety concerns. However, as a member of the QAMA, Defendant has been indirectly involved in efforts of this nature. The Association should be contacted for specific information concerning these studies.

16. Defendant has not yet chosen any expert witnesses which it expects to call as a witness at the time of trial. When and if this Defendant chooses an expert witness, Plaintiffs will be promptly notified. Defendant reserves the right to call any and all experts named by Plaintiffs and other parties.

17. Defendant objects to this interrogatory as calling for information beyond the scope of discovery, and, in particular, it seeks trial strategy materials and thereby requests information of the mental impressions of this attorney.

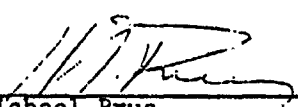
18. Defendant objects to this interrogatory as seeking information that is not relevant to the subject matter involved in the pending action and materials that are not reasonably calculated to lead to the discovery of admissible evidence. Pursuant to Rule 33, and without waiving any objection, Defendant will state that such records are available at Defendant's place of business in Quebec, Canada, and that upon proper request, and a showing of relevancy, such information can be obtained for the Plaintiff for the years 1958 to the present.

19. In 1958, a new mill went into operation under the newly organized subsidiary, CareyCanadian Mines, Ltd. As of June 1, 1979, the corporation has been known as Carey

Canada, Inc. Carey Canady, Inc.--is a wholly owned subsidiary of The Celotex Corporation.

20. Refer to the attached list of general liability carriers, marked Exhibit "B".

The undersigned, Michael Prus, President and General Operating Officer of Carey Canada Inc., East Broughton Station, Quebec, Canada GON-1HO, signs these Interrogatories as authorized officer. However, he has no personal knowledge (except as indicated otherwise herein) of the facts as set forth herein. And further, such facts are the result of the investigation by attorneys on behalf of Carey Canada Inc. and he affirms these Answers for purposes of taking necessary official action by Carey Canada Inc. only.

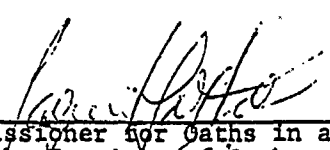
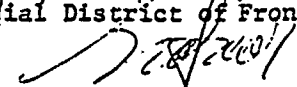

Michael Prus,
CAREY CANADA INC.
President and
General Operating Officer

PROVINCE OF QUEBEC

DISTRICT OF FRONTENAC

Before me the undersigned, a Commissioner for Oaths in and for the Province of Quebec, Judicial District of Frontenac Quebec, Canada, this day appeared Michael Prus, who stated he is authorized to execute the foregoing Answers and Objections to Interrogatories on behalf of Carey Canada Inc., and that the matters stated in said Answers are true and correct to the best of his knowledge, information and belief.

SUBSCRIBED AND SWORN TO BEFORE ME, this 26th day of February, 19 81.


Commissioner for Oaths in and
for the Province of Quebec, Canada
Judicial District of Frontenac


BERNARD C. BRINKER, #16200
BRINKER, DOYEN & KOVACS, P.C.
Attorneys for Defendant Carey
Canada, Inc.
226 S. Meramec, Suite 200
P.O. Box 11613
Clayton, Missouri 63105
863-6311

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT
COMPLETE COPY OF THIS INSTRUMENT
MAILED TO THE ATTORNEYS OF EACH
EACH PARTY TO THE ABOVE ACTION
DRESSED TO SAID ATTORNEYS AT
BUSINESS ADDRESS ON THE
OF Sept. 1, 1967

BCB

CARBY-CANADIAN ASBESTOS
P. O. BOX 15070
CINCINNATI, OHIO 45215

5 April 1972
Bulletin No..
381

TO: ALL U.S. DIRECT CUSTOMERS

SUBJECT: MATERIAL SAFETY DATA SHEET

Please note enclosed Material Safety Data Sheet covering our
Canadian Chrysotile Asbestos fibre.

Please forward this data sheet to those in your organization -
who are responsible for the safety and health of the employees.

If you need additional copies, please let us know.

Enclosure

EMERALD CEMENT COMPANY LIMITED
(Approved by U.S. Department of Labor "Essentially Similar" to Form 150-000-4)

10VLA 3-70

Section 1

CAREY-CANADIAN MINES, LTD.

P. O. BOX 190

EAST BROUGHTON STATION, QUEBEC, CANADA

418 - 426-3050

SYMBOL NAME AND SYNONYMS	TRADE NAME
Hydrous Magnesium Silicate	Mono
CHEMICAL FAMILY	FORMULA
Fibrous Mineral Silicate (Chrysotile)	3M-o 2S102, 2H2O

PAINTS, PRESERVATIVES, & SOLVENTS

PIGMENTS	%	TLV (Time)	SOLVENTS	%	TLV (Time)
Not applicable			Not applicable		
CATALYST	%	TLV (Time)	ADDITIVES	%	TLV (Time)
Not applicable			Not applicable		
VEHICLE	%	TLV (Time)	OTHERS	%	TLV (Time)
Not applicable			Not applicable		

HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES

Chrysotile Asbestos Fibre	Approx.	100
For TLV see attached copy Federal Register 12/7/71, Vol. 36, No. 234 -		
four time weighted average 5 fibres/ML greater than 5 microns in		
length. Concentrations above 5 fibres/ML not to exceed 10 fibres/ML		
permitted for 15 minutes in an hour for up to 5 hours per 8 hour day.		

FLUORINE (F ₂)	Not	Applicable	SPECIFIC GRAVITY (G/G)	Not	Applicable
VAPOR PRESSURE (PSI @ 70°F)	0	0	PERCENT VOLATILE BY VOLUME (%)	0	0
VAPOR DENSITY (AIR=1)	0	0	EVAPORATION RATE (G/G-HR)	0	0
SOLUBILITY IN WATER	0	0			
APPEARANCE AND ODOR	0	0			

EXHAUSTION DATA

Non-flammable

ative 12/7/71.

ay

dust.

ssive dust

ssir broken
proved

f waste in

1910 - 12/7/71.

10 - 12/7/71.

actices.
m.

See Section II and attached OSHA regulation effective 12/7/71.

Prolonged continuous exposure to asbestos dust may cause impairment to the respiratory system.

HAZARD AND FIRST AID PROCEDURES

Not applicable

HAZARD

UNSTABLE

CONDITIONS TO AVOID

STABLE

x

Avoid breathing excessive dust.

HAZARD (Materials to avoid)

None

HAZARD DECOMPOSITION PRODUCTS

None

HAZARD
HAZARDIZATION

MAY OCCUR

CONDITIONS TO AVOID

WILL NOT OCCUR

x

Avoid breathing excessive dust

STeps TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

Vacuum clean spillage. Repair broken app. If sweeping is necessary, wet down spillage. Use approved respiratory equipment when required.

HAZARD DISPOSAL METHOD

Place waste in closed containers. Dispose of waste in closed containers.

U.S. Bureau of Mines Approved Respirator - See OSHA Part 1910 - 12/7/71.

HAZARDIZATION

LOCAL EXHAUST

SPECIAL

Mechanical Control with negative pressure dust collection equipment to within TLV.

HAZARD PROTECTIVE

EYE PROTECTION

HAZARD PROTECTIVE

Use respiratory equipment per OSHA Part 1910 - 12/7/71.

HAZARD PROTECTIVE

Maintain good housekeeping practices.

Vacuum clean waste and place in closed containers.

HAZARD PROTECTIVE

As amended, JULIO G-9 1943 15

[illegible][illegible]

The Government's under this act refer in the case of the Act of 1914, and if the Government is not satisfied with the results of the investigation, it may refer the case to the Federal Bureau of Investigation for further investigation.

6161032 Ashburn, J.

6-207A-11-22 **WISCONSIN STATE.**

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

(b)(1) Admission and extension of stay.

61. C. (1957) 1957.
 62. C. (1957) 1957.
 63. C. (1957) 1957.

EXHIBIT

CAREY-CANADA, INC.
GENERAL LIABILITY CARRIERS.

The primary insurers involved, with policy numbers and terms of coverage, are:

<u>INSURER</u>	<u>POLICY NO.</u>	<u>TERM</u>
Aetna Casualty & Surety	985LG30584SCA	11/15/76 - 10/1/77
CNA Assurance	CCP 248-3280	10/1/76 - 11/15/76
" "	CCP 248-3414	10/1/75 - 10/1/76
" "	834-0276	10/1/74 - 10/1/75
" "	822-5714	10/1/73 - 10/1/74
" "	822-5714	10/1/72 - 10/1/73
" "	822-4673	4/18/72 - 10/1/72
" "	822-3476	1/1/71 - 4/18/72
Lumbermen's Mutual	OYL 295175	1/1/70 - 1/1/71
" "	9YL 295175	1/1/69 - 1/1/70
Employers of Wausau	2790421047	1/1/68 - 1/1/69
General Accident	GLA 36-748-15	1/1/67 - 1/1/68
" "	ICG 427410	1/1/64 - 1/1/67
" "	ICG 372750	1/1/61 - 1/1/64
" "	ICG 301750	1/1/58 - 1/1/61
" "	ICG 242300	1/1/57 - 1/1/58

The excess insurers involved, with policy numbers and terms of coverage, are:

<u>INSURER</u>	<u>POLICY NO.</u>	<u>TERM</u>
Continental Casualty	RDX9230603	8/1/67 - 1/1/71
" "	RDU9397039	1/1/67 - 8/1/67
" "	RDU9910225	1/1/64 - 1/1/67
" "	All prior coverage	
American Reinsurance	M1222-1-2001	8/1/67 - 1/1/71
Lloyd's of London	ENL601000501	1/1/71 - 4/18/72
" "	ENL600029601	1/1/71 - 4/18/72
" "	ENL610011501	1/1/71 - 4/18/72
" "	CN1106/67/68/69	8/1/67 - 1/1/71
Home Insurance	HEC9557890	8/1/67 - 1/1/71