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DOCUMENT DESCRIPTION: Legal - Declaration of Gary Childress [Spear Exhibit 4]

EXHIBIT 4



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12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF SAN FRANCISCO

14 NORMA SCHLESINGER,
15 Plaintiff,

16 v.

17 AMTICO INTERNATIONAL, INC. et al.,
18 Defendants.

Case No. 453402

DECLARATION OF GARY CHILDRESS

19 I, Gary Childress, declare as follows:

20 1. I am the General Manager of the Edward Orton, Jr. Ceramic Foundation and have
21 held this position since September 1, 2001. Prior to being named General Manager of the
22 Foundation, I was a Vice-President of Hecla Mining Company, Coeur d' Alene, Idaho.

23 2. In my capacity as General Manager of Orton, I have gained intimate and extensive
24 knowledge of the pyrometric cones that Orton manufactures and has distributed over the course
25 of its history, as well as the contents of the packing in which the cones are and were contained.

26 3. As part of my duties as General Manager, I have reviewed documents and
27 information in the possession of Orton regarding the contents of the packing materials contained
28 in boxes of Orton pyrometric cones over the course of the company's history. I have also had
conversations with employees and former engineers regarding the contents of Orton packaging.
Accordingly, I have personal knowledge of the facts contained in this Declaration and I am

1 competent to testify thereto.

2 4. Prior to mid-1963 Orton pyrometric cones were not packaged in vermiculite.
3 Rather, the cones were packaged in non-asbestos saw dust.

4 5. Beginning in the middle of 1963, Orton began packaging its cones with
5 vermiculite, which was supplied to Orton at various times by Zonolite, W.R. Grace, and A-Tops.

6 6. In approximately 1983, Orton ceased packaging its cones with vermiculite in favor
7 of non-asbestos Styrofoam material.

8 I declare under the penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct to the best of my knowledge and belief.

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11 Dated: November 1st 2007


GARY CHILDRESS
General Manager, Edward Orton, Jr. Ceramic
Foundation

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