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September 21, 1995

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Mr. Michael J. Truncale
Attorney at Law
470 Orleans Street
Beaumont, Texas 77701

Via Fax: (409) 838-6959

RE: Kelly-Moore Paint Company's Answers to Plaintiffs' Master Interrogatories; In Re All Asbestos Related Personal Injury or Death Cases Filed or To Be Filed in Dallas County, Texas

Dear Mr. Truncale:

Based upon our prior telephone conversations, it is my understanding that you have agreed to provide complete answers to the following interrogatories:

Interrogatory No.

6(e) (Specifically, Kelly-Moore Paint Company will provide the percentage/asbestos content for each Kelly-Moore Paint Company asbestos-containing product.)

7(a), 22, 23, 38, 39(c), 47, 51 and 54

Moreover, by way of clarification, it is also understood that:

5 Exhibit A is a complete list of Kelly-Moore Paint Company's asbestos-containing products.

10 No tests were performed by Kelly-Moore Paint Company on their asbestos-containing products.

Truncale - Kelly Moore
Rule 11
9/21/95

- 15 Kelly-Moore Paint Company is unaware of any worker compensations claims or personal injury claims prior to 1970.
- 19 & 20 Kelly-Moore Paint Company is not withholding any answers or documents responsive to these interrogatories based upon privilege.
- 21 The two locations identified in Kelly-Moore Paint Company's answer are the only locations.
- 33 Kelly-Moore Paint Company identified all buyers (only three).
- 48 Kelly-Moore Paint Company did not do any research on the health effects of asbestos.

Finally, it is my understanding that you/your client will fully respond to Plaintiffs' interrogatories in thirty days (October 22, 1995).

If this accurately reflects our conversations and agreements, please indicate so by signing below. If I can obtain this signed Rule 11 from you, I can postpone the hearing on the Motion to Compel presently set for tomorrow (Friday, September 22, 1995). If you have any problems with the foregoing, please let me know at your earliest convenience. Kindest regards.

Sincerely,

BARON & BUDD, P.C.


Melissa K. Hutts

AGREED TO AND APPROVED BY:

MICHAEL TRUNCALE, Attorney
for Kelly-Moore Paint Company

* * * Transmission Result Report (Sep. 21. 1995 1:52PM) * * *

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TO: Michael Truncale DATE: 9/21/95

COMPANY NAME: _____

FAX NUMBER: 409-838-6959

TELEPHONE NUMBER: HA

FROM: Melissa Hutto

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