FILE NAME: Asarco (ASAR)

DATE: 1981

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DOCUMENT DESCRIPTION: Letters between Grand STPM Press & Attorneys Arguing Inaccuracies in a Reference Book

GARLAND **STPM** PRESS
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October 2, 1981

Mr. George Peters
c/o Peters & Peters Attorneys
1460 Fourth Street, Suite 302
Santa Monica, Calif. 90401

Dear George:

Here is the letter from Porzio, Bromberg & Newman which brought to my attention some offending references in the Source Book.

As per our conversation, if you would be so kind as to pull together a reply that I can then send over to them, I would be most appreciative.

Thanks.

Sincerely,

William G. Salo, Jr.
Senior Editor

WGS:nf
Enclosure

ans 10-15
see Moody's for their shares in Lake, Cement asbestos corp.

Seems like another attempt to "pressure" publishers of asbestos disease publications.

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September 29, 1981

Garland STPM Press
136 Madison Avenue
New York, New York 10016

Re: Source Book on Asbestos Diseases
File No. 9317

Gentlemen:

Please be advised that this firm represents ASARCO and Lake Asbestos of Quebec, Ltd., both of which have been joined in a number of pieces of litigation throughout the country. It has recently come to our attention that the Source Book on Asbestos Diseases: Medical, Legal and Engineering Aspects, published by your company in 1980, contains certain inaccuracies with respect to the aforesaid corporations. As a result of those inaccuracies, we are now facing the defense of a number of lawsuits which the respective companies should not be involved in.

Specifically, on Page A10, you list ASARCO as a mining concern, producing asbestos. This is incorrect and ASARCO's only relationship to asbestos fiber is through its subsidiary, Lake Asbestos of Quebec, Ltd. ASARCO has never mined, milled or sold asbestos fiber. Unfortunately, ASARCO has been named as a defendant in a number of suits, not in its capacity as parent company for Lake Asbestos of Quebec, Ltd., but rather on the basis of their being listed on Page A10 of your publication. Although Motions for Summary Judgment have been made on behalf of ASARCO in a number of jurisdictions, these Motions have been opposed by plaintiffs' counsel, listing as an Exhibit the subject page to your book. In many instances, some judges have suggested that there is a material issue of fact in this regard and, therefore, summary judgment cannot be granted. This necessitates ASARCO's participation in litigation and the incurrence of substantial costs in regard thereto.

More significantly, however, is the error in your publication which appears on Pages A11 and A13. On those pages you list ASARCO and Lake Asbestos of Quebec, Ltd. as manufacturers of asbestos products. As a result of these listings, ASARCO and Lake have been joined in insulation worker cases, shipyard worker cases and a variety of other cases in which the plaintiffs' exposure had only been to asbestos products. These were not cases in which the plaintiffs had simply been exposed to raw asbestos fiber, such as "plant worker cases", in which the plaintiffs had worked for manufacturing facilities which incorporated Lake's asbestos in the asbestos products being produced at the respective locations. We have run into the same difficulty as set forth above with respect to ASARCO, that being the joinder of both ASARCO and Lake in insulation worker cases and shipyard worker cases, on the strength of their being listed in your book. Substantial costs have been incurred as a result of the error in your publication. I do not know from what source you obtained the information reflected on Pages A11 and A13 respecting ASARCO and Lake Asbestos of Quebec, Ltd., but it is clearly erroneous.

I have informed my clients that I would contact you in an effort to correct the subject error on a cooperative basis. I sincerely hope that the comments made in the beginning of your publication regarding the "accuracy and completeness" of the source book is correct and I await your response in regard thereto.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Marc E. Edell

MZE:ni

cc: Bruce Stanton, Esq.