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September 21, 1995

PLAINTIFF'S
EXHIBIT

KM-5

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

Ms. Melissa Hutts
Baron & Budd
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

VIA FAX 214/520-1181

Dear Ms. Hutts:

This letter is in response to your FAX of September 21, 1995, regarding Kelly-Moore's Answers to Interrogatories. I hope that this response will enable us to postpone the hearing on the Motion to Compel which is presently set for Friday, September 22, 1995.

Interrogatory 5:

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

Interrogatory 6(e):

I will be able to provide you with the percentage/asbestos content for each Kelly-Moore asbestos-containing product.

Interrogatory 7(a):

The status of the 88 boxes in storage in San Carlos, California is in question due to the recent fire at the San Carlos facility. Assuming that the boxes of documents are still intact, Kelly-Moore will make the documents available to Baron & Budd for inspection upon reasonable notice. Although we do not think that there are privileged matters in the documents, we would reserve the right to withdraw any privileged document that may exist, and provide you with a privileged log.

Unfortunately, no index exists that would streamline the process of looking through the documents.

Interrogatory 10:

Your letter indicates that Interrogatory No. 10 has something to do with tests performed by the Kelly-Moore Paint Company on their asbestos-containing products. Our copy of the Interrogatory 10 concerns design changes or modifications. Our answer to Interrogatory 10 is correct.

Interrogatory 15:

Interrogatory 15 concerns Kelly-Moore's knowledge of worker compensation claims or personal injury claims prior to 1970. Kelly-Moore answered this question in the negative.

Interrogatories 19 and 20:

Kelly-Moore Paint Company is not withholding any answers or documents responsive to these interrogatories based upon privilege.

Interrogatory 21:

Our answer to Interrogatory 21 concerns more than two locations. The information about the operations of the various Kelly-Moore manufacturing facilities was provided by the client and stated in response to the interrogatories.

Interrogatory 22:

Notwithstanding the objections to Interrogatory 22, Kelly-Moore's answer appears to be fairly complete. If you want some specific information that is not stated, I will endeavor to get a specific answer.

Interrogatory 23:

I am in the process of trying to see if there is any additional information I can provide you in response to Interrogatory 23. My efforts to follow up on this matter have been delayed, in part, by the large fire experienced by Kelly-Moore. I hope to have a definitive response for you by October 22, 1995.

Interrogatory 33:

Kelly-Moore has identified only three suppliers of raw asbestos in response to answer to Interrogatory No. 33.

Interrogatory 38:

Assuming that the 88 boxes of documents referred to in our answer to Interrogatory 38 still exist, these boxes will be made available to Baron & Budd for inspection. These documents will be produced as they have been kept in the regular course of business. Kelly-Moore does not intend to go through each box to segregate documents that may pertain to the purchase of asbestos-containing material from any of their suppliers. Unfortunately, no index exists.

Interrogatory 39:

I will endeavor to see if the depositions of Doug Merrill noted in our answer are still in existence.

Interrogatory 47:

The answer given by Kelly-Moore in response to Interrogatory 47 is an accurate statement. Kelly-Moore simply does not know whether the studies referred to in the interrogatory answer exist. Again, a search of the 88 boxes of documents may or may not reveal the existence of the study. If the boxes of documents still exist, they will be made available to Baron & Budd at a mutually convenient time and upon reasonable notice.

Interrogatory 48:

Kelly-Moore did not research on the health effects of asbestos.

Interrogatory 51:

I am continuing my efforts to get more precise information based upon our previous telephone conversations about the interrogatory.

Interrogatory 54:

I believe that our answer to Interrogatory 54 is accurate and complete.

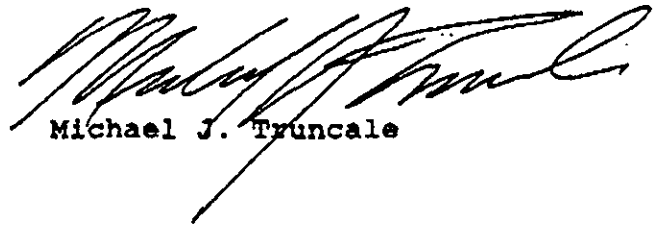
I hope that this letter more fully explain our Answers to Interrogatories and my efforts to get supplemental information. I felt that this letter would more accurately reflect my views on the specific interrogatories referred to in your FAX of September 21,

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1995. If you find this to be in order, please postpone the hearing on the Motion to Compel. If you have questions or comments, please give me a call.

Sincerely,

ORGAIN, BELL & TUCKER, L.L.P.

A handwritten signature in black ink, appearing to read "Michael J. Truncale", written over a horizontal line.

Michael J. Truncale

MJT/gr

ORGAIN, BELL & TUCKER, L.L.P.

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DATE: 9-21-95
TO: Melissa Hutt
COMPANY/FIRM: Baron & Budd
CITY: Dallas STATE: _____
FAX NO: 214-520-1181 PHONE NO: _____
FROM: Michael Truncale USER ID NO. _____
SPECIAL INSTRUCTIONS: _____

CHARGE TO: _____
CLIENT NO. _____ MATTER NO. 39068

OTHER: _____

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 5

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DATE SENT: _____ TIME: _____