

DEHAY & BLANCHARD

ATTORNEYS AND COUNSELORS

PLAZA OF THE AMERICAS

2500 SOUTH TOWER, LB 201

DALLAS, TEXAS 75201-2880

(214) 953-1313

September 9, 1988

TELEX-5101002109

ANSWER BACK-DEHAY DAL UD

TELECOPIER (214) 220-0439

MARGARET ANN ROSE

Ms. Lisa Blue
Baron & Budd
Tenth Floor, Dallas Federal
Savings Tower
8333 Douglas Avenue
Dallas, Texas 75225

Re: Cause No. 87-16079-D; Georgiann Rowell, et al.
v. Armstrong World Industries, Inc. et al.

Dear Lisa:

Enclosed please find Response of Defendant National
Gypsum Company To Plaintiffs' Request For Production filed in
the above-referenced matter.

Sincerely,



Margaret Ann Rose

MAR/1kt
Enclosure

cc: Mr. C. Edward Fowler, Jr.
Mr. Joe Michael Russell
Mr. Joe Riddles
Mr. James T. Foley
Mr. Herbert Boyland



GEORGIANN ROWELL, et al.,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
ARMSTRONG WORLD INDUSTRIES,	§	
INC., et al.	§	
	§	
Defendants.	§	95TH JUDICIAL DISTRICT

RESPONSE OF DEFENDANT NATIONAL GYPSUM
COMPANY TO PLAINTIFFS' REQUEST FOR PRODUCTION

Defendant, NATIONAL GYPSUM COMPANY ("National Gypsum") responds to Plaintiffs' Request for Production submitted by Plaintiffs, GEORGIANN ROWELL, Individually and as Personal Representative of the Estate and Heirs of WINFORD ROWELL; BESSIE S. SHEPHERD, Individually and as Personal Representative of the Estate and Heirs of THOMAS P. SHEPHERD; LARRY D. HAYS and DONNA HAYS; VERLON URBAN and EMO JEAN URBAN; OLIVER J. MORGAN and MARGUERITE MORGAN ("Plaintiffs") as follows:

GENERAL OBJECTIONS

Defendant National Gypsum objects to any request or instruction that purports to impose upon Defendant any obligation not expressly set forth in the Texas Rules of Civil Procedure.

RESPONSE

1. The last known address of the following individuals:
 - (a) Jack E. Jones
 - (b) F.R. Griffin
 - (c) J.C. Quinly
 - (d) C.D. Harless
 - (e) R. Beitz
 - (f) W. Withrock

RESPONSE: National Gypsum objects to this interrogatory on

the basis that the requested information is not relevant to this action, in the absence of some explanation from Plaintiffs' counsel which establishes relevance. National Gypsum objects to this interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, National Gypsum states that Mr. Quinley is scheduled to be deposed on August 30, 1988, that National Gypsum has agreed to consider producing Mr. Withrock following Mr. Quinley's deposition, and that National Gypsum provided Mr. Jones' address to Plaintiffs' counsel in another case. Jack E. Jones' address is 12 Summertree Lane, P.O. Box 1271, Shallotte, North Carolina 28459.

2. Complete and legible copies of the three letters which are attached hereto and marked Exhibits A, B and C.

RESPONSE: More legible copies of the three letters are attached to these responses.

Respectfully submitted,

DeHAY & BLANCHARD


GARY D. ELLISTON
SBN 06584700
J. CARLISLE DeHAY
SBN 05644000
Plaza of the Americas
2500 South Tower, LB 201
Dallas, TX 75201
(214) 953-1313
ATTORNEYS FOR NATIONAL GYPSUM
COMPANY

HOYLE, MORRIS & KERR
One Liberty Place, Ste. 4900
1650 Market Street
Philadelphia, PA 19103
OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to Lisa Blue, Baron & Budd, 8333 Douglas Avenue, 10th Floor, Dallas, TX 75225 by U.S. Certified Mail, Return Receipt Requested and by regular U.S. Mail, postage prepaid to all other counsel of record in the above-referenced matter on the 9th day of September, 1988.


GARY D. ELLISTON

DEHAY & BLANCHARD

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*COMPANY
FILE COPY*

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GARY D. ELLISTON

PF- Prod
Thermacoustic

M. C. W. Pollard

Indiana State Board of
Health
Thermacoustic
Fort Benjamin Harrison
Indianapolis, Indiana

March 12, 1953
Buffalo -
Acoustical Sales

D. G. Stenberg

W. H. Harding

F. L. Marsh

W. W. Odenwaldt

C. E. Willis

R. G. Kreinheder ✓

C. J. Koshler

Your letter to Dr. L. W. Spolyar dated March 11, 1953, is full of dynamite. If it comes to pass that the Indiana State Division of Industrial Hygiene insists that Thermacoustic cannot be applied unless the men wear respirators, Turner-Brooks Company will not be able to find any men to apply Thermacoustic on the Fort Benjamin Harrison Job.

We have asked your secretary to retrieve the letter from the mail if possible. Perhaps it would be better to write Dr. Spolyar listing the ingredients of Thermacoustic without your opinion that the applicators should wear respirators.

In line with your memorandum to Stenberg dated March 11, asbestos is also in the form of silicates and probably is no more hazardous to blow than rockwool. If you recollect, National was the exclusive distributor of "Limpet" for five years which is 100 per cent asbestos without any repercussions.

I am much concerned that National Oxygen Company is on record to Dr. Spolyar that Thermacoustic is hazardous business. If this snowballs, we are out of the Thermacoustic business.

G. S. Handy

GHE:ra

3/13/53 Handy succeeded in stopping
Ltr to Spolyar. Will be
modified.

08442
Exhibit "A"

Product
PF - Thermoacoustic

D. O. Stenberg

Indiana State Board of
Health

March 11, 1953
Production

cc:

W. R. Harding

F. L. Marsh

E. W. Odenwaldt

O. K. Willis

C. W. Handy

H. A. Scrimshaw

R. O. Kreinheder ✓

C. J. Koehler

Thermoacoustic
Fort Benjamin Harrison
Indianapolis, Indiana

Here is the file which was given me. You will also find attached a copy of my letter to Dr. Spolyar.

Out of past experiences we have learned that if we supply the chemical composition of any product it leads to confusion and greater concern. For example, the chemical composition of mineral wool shows a large percentage of silica. We know that this is in the form of silicates and as such cannot produce silicosis. Anyone looking at the chemical composition would immediately associate mineral wool with silicosis and be concerned because of the hazard involved.

In my opinion our applicators should be instructed to have the operators wear the respirator described in my letter to Dr. Spolyar in order to avoid health hazard.

Asbestosis is the name of a respiratory disease that is caused by the inhalation of asbestos dust. A fibrotic condition is formed in the lungs with results usually worse than those produced by silicosis.

R. C. M. Pollard

pk

08443

Exhibit "B"

W. W. Harding
F. J. Marsh
E. W. Odenwaldt
G. W. Willis
G. W. Handy
H. A. Scrinshaw
R. J. Kochler

March 11, 1952

L. W. Spolyar, M. D. Director
Division of Industrial Hygiene
State of Indiana
Board of Health
Indianapolis, Indiana

Dear Dr. Spolyar:

Your February 26 letter addressed to our Mr. G. K. Willis
Alexandria Plant Manager has been referred to me.

We manufacture Thermaacoustic by mixing ingredients as
follows:

Granulated Mineral Wool Type X
Amosite (asbestos)
Portland Cement
Starch
Cut Fungicide

Even though our mixing operation is enclosed and exhaust
ventilation is used we make available for the men who
operate the mixers a Mine Safety Appliances (Comfo) Dust
Respirator, BM-2130 for Fibrosis producing dusts and mists.
We feel this protection is necessary because of the asbestos
used in the product.

If there is dust present where Thermaacoustic is being applied
on the job at Ft. Harrison, in my opinion, the applicators
should wear the same equipment.

You may recall that I worked with your Mr. Dumbstead several
years ago on a problem at Alexandria and as the result
gained respect for your department. If there is anything
further you would like to know that pertains to the Ft.
Harrison job please do not hesitate to ask.

Very truly yours,

19961

H. C. M. Pollard
Director of Safety

HCHP/pk

Exhibit "C"