

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JOHN E. CRUM and MARILYN J.
CRUM, a married couple,

Plaintiffs,

v.

THE E.J. BARTELLS COMPANY; et al.,

Defendants.

No. 98-2-24915-3 SEA

AFFIDAVIT OF GEORGE KIRK

STATE OF CALIFORNIA }

COUNTY OF SAN FRANCISCO }

ss.

I, GEORGE KIRK, declare:

1. I was employed with Kaiser Gypsum Company, Inc. (hereinafter "Kaiser Gypsum") since its inception in 1952 through 1974. In 1958, I became Director of Research for Kaiser Gypsum, and held that position through 1974.

2. I am informed and believe that the above-captioned lawsuit was filed against Kaiser Gypsum by John Crum, who alleges exposure to asbestos-containing products.

3. As Director of Research, I am familiar with Kaiser Gypsum's product line and the components which were used to formulate each product.

4. I am informed and believe that Mr. Brentwood "Brent" Crosby, a former regional salesman for Kaiser Gypsum with whom I am personally acquainted, testified recently in a deposition that in 1970, he asked me if any of Kaiser Gypsum's products contained asbestos. I am informed and believe that Mr. Crosby said that my response was to tell him that none of Kaiser Gypsum's products contained asbestos.

1 5. I do not recall that Mr. Crosby ever asked me in 1970 whether or not any
2 of Kaiser Gypsum's products contained asbestos. Had he asked me that question in 1970,
3 I would have truthfully responded that Kaiser Gypsum's accessory products contained
4 asbestos as an ingredient.

5 6. Kaiser Gypsum always had an open-door policy and encouraged its
6 employees, such as Mr. Crosby, to tour its facilities. I specifically recall Brent Crosby
7 touring the Antioch manufacturing facility with Kaiser Gypsum customers. At the time
8 Mr. Crosby took these tours, pallets with sacks labeled asbestos would have been visibly
9 present and could have been seen by Mr. Crosby during the plant tours.

10 7. Likewise, I recall Mr. Crosby visiting the research and development lab at
11 Antioch where asbestos was kept in clearly labeled containers.

12 8. I recall that in approximately 1972, OSHA began to regulate the types of
13 asbestos-containing products which were manufactured by Kaiser Gypsum. In response
14 thereto, Kaiser Gypsum placed a caution label which conformed to OSHA mandates on
15 all of its asbestos-containing products. Initially, the caution labels were printed
16 separately and placed on each product package. Eventually, as new product packaging
17 was ordered, the labels were printed directly on the packaging. As asbestos was removed
18 from the products, the packaging no longer contained the caution label.

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