

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION
No. 84-278-CIV-5

SEP 16 1985
J. RICH LEONARD, CLERK
U. S. DISTRICT COURT
E. DIST. NO. CAR.

JAMES S. PRICE

Plaintiff,

vs.

UNITED STATES GYPSUM CO.,
et al.

Defendants.

)
)
)
) UNITED STATES GYPSUM COMPANY'S
) RESPONSES TO PLAINTIFFS'
) STANDARD FIRST SET OF
) INTERROGATORIES
)
)
)



1. (a) C. L. Murphy has reviewed these responses for purposes of meeting the verification requirements.
(b) Manager, Financial Accounting.
(c) 101 South Wacker Drive, Chicago, Il 60606.
(d) Objection. This Interrogatory is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.
(e) June 15, 1972 to the present.
2. (a) United States Gypsum Company.
(b) Chicago, IL.
(c) Delaware.
(d) July 1, 1966, United States Gypsum Company.
(e-g) This defendant is not contesting personal jurisdiction for purposes of this action.
3. Yes, United States Gypsum Company.
4. (a) Yes.
(b) Yes.
(c) This defendant does not understand what is meant by the term "processed such a product", and accordingly cannot form a response to this inquiry.

I certify the foregoing to be a true and correct copy of the original
J. Rich Leonard, Clerk
United States District Court
Eastern District of North Carolina
By *Charlyn Wells*
Deputy Clerk

with respect to the products identified in the Prefatory Statement and which were manufactured and sold at any time during Plaintiffs' alleged exposure periods:

<u>Generic Name</u>	<u>Product Name</u>	<u>Years of Manufacture with Asbestos</u>	<u>Color, Texture and Packaging</u>	<u>Maximum Percentage of Chrysotile Asbestos</u>
<u>Basecoat Plasters and Patching Plaster*</u>	Structolite Plaster for Machine Application	1955-1972	All basecoat, finish and patching plasters were white to off-white	All basecoat, finish and patching plasters contained 1.0% or less of asbestos.
	Red Top Wood Fiber Plaster Regular and Machine Application	1945-1972	powders (with the exception of Oriental Interior Finish Plaster which was manufactured in many different colors)	
	Red Top Gypsum Plaster for Machine Application	1961-1966	All basecoat, finish and patching plasters were packaged in Kraft Paper Bags.	
	Red Top Patching Plaster	1929-1951		
<u>Finish Plasters*</u>	Oriental Interior Finish Plaster	1942-1972		
	Red Top Cover Coat Finish Plaster	1948-1972		
	Red Top Trowel Finish	1944-1968		
<u>Stucco</u>	Oriental Exterior Finish Stucco	1930-1972	White and pastel powder Kraft Paper Bags	1.0 or less

<u>Generic Name</u>	<u>Product Name</u>	<u>Years of Manufacture with Asbestos</u>	<u>Color, Texture and Packaging</u>	<u>Maximum Percentage of Chrysotile Asbestos</u>
<u>Acoustical Plasters</u>	Audicote Acoustical Plaster	1954-1972	All acoustical plasters were white to off-white powder. Kraft Paper Bags	1.0-26.0%
	Hi-Lite Acoustical Plaster	1954-1972		
	Sabinite Acoustical Plaster	1930-1964		
<u>Joint Compounds</u>	PERF-A-TAPE	1944-1976	All joint compounds were white to off-white powders or white to greyish ready-mix formulations.	3.0-5.0%
	USG	1937-1976		
	DURABOND	1962-1976		
	TEXOLITE	1963-1976		
	KEMIDOL	1971-1976		
	USG Cover Coat	1964-1976	Bags, buckets, and cartons	
	DURABOND 90, 902, All-Purpose & XL	1970-1976		
	TEXOLITE PASTE	1952-1976		
	SPACKLING PUTTY			
	DURABOND PASTE	1952-1976		
	SPACKLING PUTTY			
<u>Siding</u>	USG	1937-1975		Approximately 12-15%
	Glatex	1937-1975		
	Concord	1937-1975		
<u>Roofing Shingles</u>	USG	1937-1946 & 1967-1975		0.6-1.0%
<u>Block Insulation</u>	K-FAC K-FAC 19	1943-1950 18 mos. during 1970-1971	Greyish-white brittle, rigid, light-weight block. Cartons.	10.0-21.0%

<u>Generic Name</u>	<u>Product Name</u>	<u>Years of Manufacture with Asbestos</u>	<u>Color, Texture and Packaging</u>	<u>Maximum Percenta of Chrysotile Asbestos</u>
<u>Pipe-covering</u>	Asbestos Air Cell; Wool Felt Air Cell; Laminated Asbestos and Sponge Pipe Covering; Hair and Wool Felt Pipecovering; Anti-Sweat Pipecovering; Range Boiler Jackets; Pyrobestos Pipe Covering.	1936-1938	White to off-white papers. Cartons.	30.0-91.0%
<u>Ceiling Tiles</u>	Acoustone 120 Acoustone 180	1967-1975 1966-1976	White, corrugated boxes.	Approximately 12 Approximately 11
<u>Fireproof Plasters</u>	Firecode D Firecode V	1962-1964 1964-1970	Greyish-white bags.	Approximately 12
<u>Spray Mineral Fiber</u>	SprayDon	1965-1971	Greyish-white bags.	7.0%-30.0%

6(c) (vi).

The following are known to have been approved suppliers of asbestos: Canadian Johns-Manville, Lake Asbestos of Quebec, Nicolet Industries, Carey-Canadian, and Asbestos Corporation. It is unknown which source of supply was used in any particular product, which mines the raw asbestos was mined from and which locations the raw asbestos was shipped from. This defendant has located no documentation to ascertain from whom asbestos was specifically purchased prior to 1973. For the years 1973 through 1976, additional asbestos suppliers to this defendant may have been Atlas Asbestos, Union Carbide, and Pacific Asbestos; Atlas Asbestos and Pacific Asbestos shipped only to California.

The decision to commence a project to attempt to reformulate joint compound products without asbestos was made in 1972 for the purpose of manufacturing said products within OSHA guidelines. The decision was not made by a single individual and cannot even be traced to a specific group of individuals. Decisions relating to product retention and profitability are made with input from many groups within the Company.

Asbestos-free joint compounds began to be commercially produced at some plants in 1975.

Additionally, market demand for some products did not support the investment required for this defendant to reformulate the product without asbestos. This decision was not made by a single individual and cannot even definitely be traced to a specific group of individuals. Decisions relating to profitability and product retention are made with input from many groups within the Company. Some individuals who may have participated in the decision to discontinue some asbestos-containing products, as given in testimony by J. N. Walker in Lexington Co. School District Five vs. USG, on July 26, 1983, are: Earl Maynard, Dr. Zabor (then Vice President, Research).

Of the products identified in Exhibit A, the following were dropped from this defendant's product line due to low profitability, unrelated to the fact that these products contained some asbestos:

SABINITE

FIRECODE D

FIRECODE V

PAC TEX

A - B TEX

Special Texture Paint

Sanded Colored Texture Paint

USG Multipurpose Texture Paint (LCTP176)

USG Texture Paint

Special Texture Paint (LCTP - 197D)

Spray Texture

A - B TEX (LCTP 248B)

USG Texture (LCTP - 249C)
Spray Texture Paint (LCTP -245A)
Spray Texture Paint (LCTP - 253)
Simulated Acoustical Spray (46A, SA85)
Aggregated Spray Texture (LCTP - 272)
Aggregated Spray Texture (LSTP - 302B)
Simulated Acoustical Spray (148C)
Aggregated Spray (LCTP - 385C)
Imperial QT Regular Vermiculate (SA-298C)
Spray Texture (LCTP 445B)
Smooth Hard Finish (HC 38C)
Imperial QT Texture (SA 323)
USG Super Hard Spray
USG Spray Texture (LCTP 421)
Spray Texture Finish (LCTP 447)
Simulated Acoustical Spray Texture (SA65A)
Simulated Acoustical Spray Texture (SA71)
Imperial QT Texture (SA185B)
Simulated Acoustical Spray (SA62A, 94C, 112A, 119D, 147, 150)
Simulated Acoustical Spray (SA151A)
Imperial QT (SA71, 233B)
Multi-Purpose Texture (LCTP 384D)
R/M Simulated Acoustical Spray
Imperial QT Texture Polystyrene (SA331)
SHEETROCK Simulated Acoustical Spray (149)
SHEETROCK Simulated Acoustical Spray (x-7)
Aggregated Spray Texture (421-C)

Imperial QT Regular (SA292C)

Aggregated Spray Texture (LCTP 437F)

Imperial QT Coarse Vermiculite

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, C. L. Murphy, declare:

I am the Manager, Financial Accounting, of United States Gypsum Company, one of the above named defendants, and am authorized to make this verification for and on behalf of said corporation;

I have read the foregoing Answers, Objections, and other Responses to Plaintiff's First Set of Supplemental Interrogatories and am informed and believe that the same is true and on that ground allege that the matters therein stated are true.

I declare, under penalty of perjury, that the foregoing is true and correct, and that this declaration was executed on September 11, 1985 in Chicago, Illinois.

C. L. Murphy
C. L. Murphy

Subscribed and sworn to before me
this 11th day of September, 1985.

[Signature]
Notary Public

CERTIFICATE OF SERVICE

The undersigned counsel for the defendant, United States Gypsum Company, do hereby certify that a copy of the following document: UNITED STATES GYPSUM COMPANY'S RESPONSES TO PLAINTIFFS' STANDARD FIRST SET OF INTERROGATORIES, was served upon the below-mentioned attorneys by depositing a copy of same in the United States Mail, with sufficient postage to assure delivery, addressed to said attorneys, as stated below.

This the 13th day of September, 1985.

Darryl G. Lowe

Darryl G. Lowe, Attorney for
Defendant, United States Gypsum
Company

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I certify the foregoing to be a true and correct copy of page 1, pages 1 through 3 of Exhibit A, pages 1 through 3 of Exhibit B, verification page and the certificate of service from "United States Gypsum Company's Responses to Plaintiffs' Standard First Set of Interrogatories."

J. Rich Leonard, Clerk
United States District Court
Eastern District of North Carolina

By Charlyn Wells
Deputy Clerk

COMPANY FILE
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