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Re: U.S. Gypsum

Dear Lon:

I have reviewed U.S. Gypsum's answers to our interrogatories in the King County Asbestos Cases. Although I appreciate the responses which we have received from you, I find that some of the interrogatory answers are so incomplete as to be almost meaningless. As we have previously briefly discussed, I would like to resolve this matter without the necessity of a formal motion to compel. My main purpose in writing this letter is to request some additional information which I hope your client can provide without requiring us to get a court order.

Interrogatories 3, 4 and 17 deal with asbestos-containing products and their asbestos content. You have objected to revealing the contents of each product on the grounds that this is "confidential and a trade secret". I believe that we are clearly entitled to know the asbestos content of each product, both in terms of the percent of asbestos and the type of asbestos (e.g. chrysotile, amocite, etc.) Although your answer to interrogatory no. 17 indicates that "there may have been many minor changes over the years due to raw material availability and differing geographic market conditions", I believe that U.S. Gypsum can give us at least a range of asbestos content, e.g. "Texolite Joint Compound contained 6% to 10% chrysotile asbestos".

Another major concern which I have is that you did not identify or produce any photographs, drawings or other documents regarding U.S. Gypsum's products. Instead, many of your interrogatories

(e.g. numbers 7, 24, 26, 30 and 34) indicate such items will be made available at a mutually agreeable time for inspection and copying at U.S. Gypsum's corporate headquarters in Chicago. I would appreciate it if you would find out from your client the approximate volume of materials, the nature of the materials and the organization of the materials so that I can determine approximately how much time we need to allow to review the same.

Thank you for your prompt attention to this matter.

Very truly yours,

WALTHEW, WARNER, KEEFE, ARRON,
COSTELLO & THOMPSON

By Christopher M. Eagan

CME:cj