

LAWRENCE SMITH and VERA MAE	:	IN THE DISTRICT COURT OF
SMITH; CHESTER KERSHMAN and RUBIE	:	
KERSHMAN; JERRY WILLIAMS; and	:	
THOMAS STALLCUP,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	DALLAS COUNTY, TEXAS
	:	
ARMSTRONG WORLD INDUSTRIES, INC.	:	
ET AL.	:	
Defendants.	:	44th JUDICIAL DISTRICT

U.S. MINERAL'S ANSWERS TO PLAINTIFF
CHESTER KERSHAM'S INTERROGATORIES

PREAMBLE

COMES NOW UNITED STATES MINERAL PRODUCTS COMPANY ("U.S. Mineral") and answers the Plaintiff's Interrogatories.

Most of these interrogatories pertain to events that occurred many years ago. Therefore, in gathering the information to respond to these interrogatories, U.S. Mineral and its counsel have had to rely on many documents and the information contained therein. In addition, U.S. Mineral and its counsel have relied on the memories of officers and employees who have been with the company since the 1950s and 1960s. U.S. Mineral and its counsel have also acquired information from discovery in other cases, and this information may form the basis for a particular answer. Because the process of document review is ongoing, and because new and/or additional information about past events is sometimes acquired, U.S. Mineral reserves its right to supplement and/or to amended these answers in the event that more or more accurate information becomes available.

Additionally, this defendant only manufactured and sold asbestos-containing CAFCO products from 1954 through 1972. Unless otherwise stated in a specific answer to an Interrogatory the answers to these interrogatories shall be limited to those products, that period of time, and to the State of Texas.



INTERROGATORY NO. 1:

For each document listed below, please answer whether such document is a true and correct duplicate of a genuine and authentic document:

Without waiving any objections to admissability of these documents or portions thereof, U.S. Mineral responds as follows:

EXHIBIT NO.

DESCRIPTION

(a) SMF-1

Letter from J.P. Verhalen, President to Mr. D.T. Colton, General Manager, JM International Corp. dated March 3, 1965

ANSWER: Yes.

(b) SMF-2

2 page letter to Members of the Technical Committee re: SMFMA-Albi-Clad from J.B. dated March 9, 1966

ANSWER: Yes.

(c) SMF-3

Letter to J.P. Verhalen, U.S. Mineral Products from H.L. Levine, Asbestospray Corp. dated March 10, 1966

ANSWER: Yes.

(d) SMF-4

Notice of meeting from James P. Verhalen dated March 15, 1966

ANSWER: Yes.

(e) SMF-5

Letter to Albi-Clad Manufacturing Company, Inc. from Morris Lieff dated March 28, 1966

ANSWER: Yes.

(f) SMF-6

Letter to Mr. Harry Wilson, Mr. M. Lief, Mr. F. Stumpf, Mr. Verhalen and Mr. Boyer with 4 attachments from H.L. Levine re: Data Concerning Asbestos Exposure dated April 11, 1966

ANSWER: Yes.

(g) SMF-7

2 page letter to Mr. Harry Wilson, Mr. Lief, Mr. F. Stumpf, Mr. Verhalen, and Mr. Boyer from H.L. Levine re: Data Concerning Asbestos Exposure dated April 12, 1966

ANSWER: Yes.

(h) SMF-8

2 page letter to Mr. J.P. Verhalen, Mr. Harold Wittkop, Mr. A.E. Binger, and Mr. Boyer from H.L. Levine dated May 10, 1966

ANSWER: Yes.

(i) SMF-9

Notice of Meeting from James P. Verhalen dated June 7, 1966

ANSWER: Yes.

(j) SMF-10

Letter with 3 page attachment to B. Levine, F. Stumpf and H. Wilson from M. Lief re: Statement on Claim that Sprayed Fiber is a Health Hazard

ANSWER: Yes.

(k) SMF-11

2 page letter to Mr. John Boyer, Cadwalader, Wickerson & Taft from Kenneth W. Smith, M.D., Medical Director re: Sprayed Mineral Fiber Manufacturers Association dated July 12, 1966

ANSWER: Yes.

(1) SMF-12

Letter to Mr. Morris Lieff, Mr. Harry Wilson, Mr. Frank Stumpf, and Mr. Verhalen from H.L. Levine dated July 13, 1966

ANSWER: Yes.

(m) SMF-13

Letter to J.P. Verhalen from John Boyer dated July 18, 1966

ANSWER: Yes.

(n) SMF-15

Inter-Office Memo to J.P. Verhalen from J.F. O'Rourke subject: SMFMA General Meeting dated November 18, 1966

ANSWER: Yes.

(o) SMF-19

Letter with 1 page attachment to A.E. Binger, J. Boyer, H.L. Levine, L.C. Jenne, H. Wilson, H. Wittkop, J.F. O'Rourke, F.M. Stumpf, J.P. Verhalen and M. Lieff from R.H. Toth dated August 11, 1967

ANSWER: Yes. However, the correct date of the letter is August 15, 1967.

(p) SMF-20

Letter with 4 page attachment to A.E. Binger, J. Boyer, H.L. Levine, S. Miller, L.C. Jenne, H. Wilson, H. Wittkop, J.F. O'Rourke, F.M. Stumpf, J.P. Verhalen, and M. Lieff from R.H. Toth dated September 15, 1967

ANSWER: Yes.

(q) SMF-21

Letter to Frank Stumpf from H.L. Levine dated February 7, 1968

ANSWER: Yes.

(r) SMF-22

Minutes of Special Meeting of
Members of Sprayed Mineral Fiber
Manufacturers Association dated May
22, 1968

ANSWER: No. The document is not complete. U.S. Mineral is
unable to determine whether these are actual minutes of
an Association meeting.

(s) SMF-23

Letter to H.L. Levine from J.P.
Verhalen dated January 25, 1969

ANSWER: Yes.

(t) SMF-24

2 page letter to Mr. Jenne, Mr.
Stumpf, Mr. Lieff, and Mr. Binger
from H.L. Levine dated April 25,
1969

ANSWER: Yes.

(u) SMF-25

Letter to H.L. Levine, L.C. Jones
and Lieff re: Air Sampling Field
Test from Frank M. _____ dated June
11, 1969

ANSWER: Yes.

(v) SMF-26

Minutes of Annual Meeting of Sprayed
Mineral Fiber Manufacturers
Association, Inc with 4 page
attachment dated February 3, 1970

ANSWER: No. No attachment accompanied the document. U.S. Mineral
is unable to determine that these are the actual minutes
of an Association meeting.

(w) SMF-27

Letter with 2 page attachment to
Board of Directors (Mr. Verhalen,
Mr. Lieff, Mr. Boyer and Mr. Binger)
from H.L. Levine dated July 2, 1970

ANSWER: Yes.

(x) SMF-28

2 page letter with 3 page attachment to Board of Directors (Stumpf, Lieff, Binger, Zahn and Verhalen) from H.L. Levine dated October 8, 1970.

ANSWER: Yes.

(y) SMF-29

Letter with one page attachment to Board of Directors (Mr. Lieff, Mr. Verhalen, Mr. Stumpf, Mr. Binger and Mr. Gahn) from H.L. Levine dated January 5, 1971

ANSWER: No. The document provided does not include the attachment referred to.

(z) SMF-30

Letter to H.L. Levine from R.S. Willamee dated September 2, 1971

ANSWER: Yes.

(aa) SMF-31

2 page letter to Dr. James Crowder from J.P. Verhalen dated July 3, 1972

ANSWER: Yes.

(bb) SMF-32

Recommended Code of Practices for Application of Sprayed Fireproofing Materials (8 pages)

ANSWER: Yes, although the copy provided is only 7 pages.

For each document listed below, please answer whether such document was kept and/or generated in the regular course of a regularly conducted business activity of U.S. Mineral by an employee or representative of U.S. Mineral with knowledge of the act, event, condition or opinion recorded.

U.S. Mineral objects to this interrogatory on the ground that the phrase "with knowledge of the act, event, condition or opinion recorded" is vague, ambiguous and susceptible of various meanings. Without waiving these objections, U.S. Mineral responds as follows:

EXHIBIT NO.

DESCRIPTION

(a) SMF-1

Letter from J.P. Verhalen, President to Mr. D.T. Colton, General Manager, JM International Corp. dated March 3, 1965

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(b) SMF-2

2 page letter to Members of the Technical Committee re: SMFMA-Albi-Clad from J.B. dated March 9, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(c) SMF-3

Letter to J.P. Verhalen, U.S. Mineral Products from H.L. Levine, Asbestospray Corp. dated March 10, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(d) SMF-4

Notice of meeting from James P. Verhalen dated March 15, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(e) SMF-5

Letter to Albi-Clad Manufacturing Company, Inc. from Morris Lieff dated March 28, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(f) SMF-6

Letter to Mr. Harry Wilson, Mr. M. Lieff, Mr. F. Stumpf, Mr. Verhalen, and Mr. Boyer with 4 attachments from H.L. Levine re: Data Concerning Asbestos Exposure dated April 11, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(g) SMF-7

2 page letter to Mr. Harry Wilson, Mr. Lieff, Mr. F. Stumpf, Mr. Verhalen, and Mr. Boyer from H.L. Levine re: Data Concerning Asbestos Exposure dated April 12, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(h) SMF-8

2 page letter to Mr. J.P. Verhalen, Mr. Harold Wittkop, Mr. A.E. Binger, and Mr. Boyer from H.L. Levine dated May 10, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(i) SMF-9

Notice of Meeting from James P. Verhalen dated June 7, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(j) SMF-10

Letter with 3 page attachment to B. Levine, F. Stumpf and H. Wilson from M. Lieff re: Statement on Claim that Sprayed Fiber is a Health Hazard

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(k) SMF-11

2 page letter to Mr. John Boyer, Cadwalader, Wickerson & Taft from Kenneth W. Smith, M.D., Medical Director re Sprayed Mineral Fiber Manufacturers Association dated July 12, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(l) SMF-12

Letter to Mr. Morris Lieff, Mr. Harry Wilson, Mr. Frank Stumpf, and Mr. Verhalen from H.L. Levine dated July 13, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(m) SMF-13

Letter to J.P. Verhalen from John Boyer dated July 18, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(n) SMF-15

Inter-Office Memo to J.P. Verhalen from J.F. O'Rourke subject: SMFMA General Meeting dated November 18, 1966

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(o) SMF-19

Letter with 1 page attachment to A.E. Binger, J. Boyer, H.L. Levine, L.C. Jenne, H. Wilson, H. Wittkop, J.F. O'Rourke, F.M. Stumpf, J.P. Verhalen, and M. Lief from R.H. Toth dated August 11, 1967

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(p) SMF-20

Letter with 4 page attachment to A.E. Binger, J. Boyer, H.L. Levine, S. Miller, L.C. Jenne, H. Wilson, H. Wittkop, J.F. O'Rourke, F.M. Stumpf, J.P. Verhalen, and M. Lief from R.H. Toth dated September 15, 1967

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(q) SMF-21

Letter to Frank Stumpf from H.L. Levine dated February 7, 1968

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(r) SMF-22

Minutes of Special Meeting of
Members of Sprayed Mineral Fiber
Manufacturers Association dated May
22, 1968

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(s) SMF-23

Letter to H.L. Levine from J.P.
Verhalen dated January 25, 1969

ANSWER: U.S. Mineral is unable to determine whether this document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(t) SMF-24

2 page letter to Mr. Jenne, Mr.
Stumpf, Mr. Lief and Mr. Binger
from H.L. Levine dated April 26,
1969

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(u) SMF-25

Letter to H.L. Levine, L.C. Jones
and Lief re: Air Sampling Field
Test from Frank M. _____ dated June
11, 1969

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event,

condition, or opinion recorded in a particular document.

(v) SMF-26

Minutes of Annual Meeting of Sprayed Mineral Fiber Manufacturing Association, Inc. with 4 page attachment dated February 3, 1970

ANSWER: After a review of its records, U.S. Mineral denies that this document, with attachment, was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business.

(w) SMF-27

Letter with 2 page attachment to Board of Directors (Mr. Verhalen, Mr. Lief, Mr. Boyer, and Mr. Binger) from H.L. Levine dated July 2, 1970

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(x) SMF-28

2 page letter with 3 page attachment to Board of Directors (Stumpf, Lief, Binger, Zahn and Verhalen) from H.L. Levine dated October 8, 1970

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(y) SMF-29

Letter with one page attachment to Board of Directors (Mr. Lief, Mr. Verhalen, Mr. Stumpf, Mr. Binger and Mr. Gahn) from H.L. Levine dated January 5, 1971

ANSWER: After a review of its records, U.S. Mineral denies that this document, with attachment, was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business.

(z) SMF-30

Letter to H.L. Levine from R.S. Williamee dated September 2, 1971

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(aa) SMF-31

2 page letter to Dr. James Crowder from J.P. Verhalen dated July 3, 1972

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document.

(bb) SMF-32

Recommended Code of Practices for Application of Sprayed Fireproofing Materials (8 pages)

ANSWER: This document was generated or received by an employee or representative of U.S. Mineral in the course of regularly conducted business. Except as reflected in the document itself, U.S. Mineral denies its employee or representative had knowledge of the act, event, condition, or opinion recorded in a particular document. However, the copy provided is only 7 pages.

VERIFICATION

Paulette A. Kaminski states that she is Assistant Secretary for U.S. Mineral Products Company; that she is acquainted with the facts set forth in the Foregoing Answers to Plaintiff Chester Kersham's Interrogatories; that the same are true and correct to the best of her knowledge, information, and belief.

PAULETTE A. KAMINSKI

Sworn to and subscribed before me,
a Notary Public, this _____ day of
_____, 1991

Notary Public

VERIFICATION

Paulette A. Kaminski states that she is Assistant Secretary for U.S. Mineral Products Company; that she is acquainted with the facts set forth in U.S. Mineral's Answers to Plaintiff Lawrence Smith's First Set of Interrogatories; that the same are true and correct to the best of her knowledge, information, and belief.

Paulette A. Kaminski
PAULETTE A. KAMINSKI

Sworn to and subscribed before me,
a Notary Public, this 31 day of
May, 1991.

Patricia M. Dooley
NOTARY PUBLIC
PARTICIA M. DOOLEY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 28, 1993