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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JOHN W. WILLIAMS, CLERK
U.S. DISTRICT COURT.

GREENVILLE COUNTY SCHOOL DISTRICT,)

PLAINTIFF,)

VS.)

U. S. GYPSUM CO., ET AL.,)

DEFENDANTS.)

CIVIL ACTION NO. 82-3142-14

UNITED STATES COURTHOUSE
COLUMBIA, SOUTH CAROLINA
MONDAY, JANUARY 9, 1984
2:15 P.M. - 2:40 P.M.

SPARTANBURG COUNTY SCHOOL DIST.
SEVEN,)

PLAINTIFF,)

VS.)

NATIONAL GYPSUM CO., ET AL.,)

DEFENDANTS.)

CIVIL ACTION NO. 83-1744-14

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PARTIAL TRANSCRIPT OF MOTION PROCEEDINGS
HAD BEFORE HONORABLE WILLIAM W. WILKINS, DISTRICT JUDGE

TRANSCRIPT ORDERED BY: PATRICK MICHAEL DUFFY, ESQ.

APPEARANCES:

FOR THE PLAINTIFFS

DANIEL A. SPEIGHTS, ESQ.
ANN KIMMEL, ESQ.
304 LEE AVENUE
HAMPTON, SOUTH CAROLINA

FOR THE DEFENDANTS

UNITED STATES GYPSUM CO.

ROBINSON, MCFADDEN, MOORE, POPE,
WILLIAMS, TAYLOR & BRAILSFORD
BY: WILLIAM L. POPE, ESQ.
FRANK R. ELLERBE, III, ESQ.

DEP. EX. NO. 11

PHILLIP W. LOTER
OFFICIAL REPORTER

FOR ID. AS CF

7-19-86

TAB

1 (PROCEEDINGS RESUMED AT 2:15 P.M.)

2 [THE COURT: WELL, I HAVE CONSIDERED THESE THINGS.
3 I PLACE ALL THE PARTIES ON NOTICE THAT THIS ORDER IS BEING
4 ISSUED WITH THE COURT'S FULL UNDERSTANDING AND INTENTION TO
5 APPLY RULE 37(B)(2)(C) TO ANY OFFENDING PARTY OF THIS ORDER,
6 WHICH WILL INCLUDE THE COURT ENTERING A DEFAULT JUDGMENT OR
7 DISMISSING THE ACTION AGAINST THE OFFENDING PARTY.

8 THERE MUST BE A TIME WHERE THESE MATTERS ARE LAID TO REST
9 AND YOU GET ON TO NEW BUSINESS AND THE BUSINESS OF RESOLVING
10 THIS CONTROVERSY.

11 ALL THE DEFENDANTS SHALL ANSWER WITHIN 30 DAYS. I MIGHT
12 ADD THAT THE COURT IS GOING TO REVIEW THE RESPONDING ANSWERS
13 WITH ITS INTERPRETATION OF GOOD FAITH, REASONABLE EFFORT TO
14 COMPLY, AND WILL NOT DEAL NOR ALLOW JUSTIFICATION TO BE BASED
15 ON SEMANTICS.

16 ALL DEFENDANTS SHALL ANSWER THIS INTERROGATORY THAT THE
17 COURT PROPOUNDS, WHICH IS PERHAPS A COMBINATION OF NUMBERS THAT
18 HAVE ALREADY BEEN PROPOUNDED. THE DATE THAT THE COMPANY OR
19 ITS OFFICERS OR ITS AGENTS OR ITS EMPLOYEES, TO THE BEST OF
20 THAT COMPANY'S ABILITY, MUST STATE THE DATE THAT THESE
21 INDIVIDUALS RECEIVED INFORMATION, WRITTEN OR ORAL, FIRST BECAME
22 AWARE OF, FIRST BECAME SUSPICIOUS OF THE FACT THAT ASBESTOS
23 MAY BE A HARMFUL SUBSTANCE, AND ALL SIMILAR INFORMATION SINCE
24 THAT FIRST DATE.

25 THIS INCLUDES INFORMATION ACQUIRED INDIVIDUALLY BY THE

1 COMPANY, ITS OFFICERS, AGENTS, EMPLOYEES, AND INFORMATION THAT
2 WAS GENERALLY KNOWN IN THE INDUSTRY. AND IT ALSO INCLUDES ANY
3 FACTS, ANY DATA, ANY REPORTS, ANY OPINIONS WHICH TEND TO SUPPORT
4 THE BELIEF THAT ASBESTOS IS A HARMFUL PRODUCT TO HEALTH.]

5 FURTHER, THE DEFENDANTS SHALL ANSWER WITHIN 30 DAYS
6 PORTIONS OF THE SUGGESTED INTERROGATORY SUBMITTED BY THE
7 PLAINTIFF, WHICH I WILL FILE THE ORIGINAL WITH THE COURT AND
8 IT WILL BE MAINTAINED AS A RECORD OF THIS COURT. COPIES SHALL
9 BE MADE AVAILABLE TO THE DEFENDANTS' ATTORNEYS. AND THIS
10 INTERROGATORY ON THIS PAGE, I HAVE STRUCK THROUGH THOSE ITEMS
11 WHICH IT IS NOT A REQUIREMENT TO THIS ORDER TO BE ANSWERED.

12 ALL OF THESE QUESTIONS AND ITS SUB TYPE SHALL BE ANSWERED
13 EXCEPT QUESTION OR SECTION NUMBER 'M', NUMBER 'N', NUMBER 'O',
14 THE PORTION OF SECTION 'Q' WHICH STATES "THE BRAND NAME OF THE
15 REPLACEMENT PRODUCT"; SECTION 'R' AND SECTION 'S'.

16 IN EFFECT, WHAT THIS DOES, BECAUSE OF THIS GREAT FEAR THAT
17 THE BRAND NAME NOT BE DISCLOSED, ALTHOUGH SOME NAMES HAVE
18 ALREADY BEEN DISCLOSED, I STILL BELIEVE AND DO BELIEVE THAT
19 THE PLAINTIFF, IF THESE QUESTIONS ARE ANSWERED, WILL HAVE THE
20 INFORMATION NECESSARY TO INVESTIGATE THE RESPONSE TO THE FIRST
21 INTERROGATORY THAT I HAVE DICTATED INTO THE RECORD.

22 THE QUESTION, SECTION 'A', DEALS WITH THE TYPE OF PRODUCT
23 AND IF IT IS ACOUSTICAL PLASTER, ACOUSTICAL PLASTER SHOULD
24 BE LISTED. THE DATE THAT THIS PARTICULAR ACOUSTICAL PLASTER
25 WAS PRODUCED. THE LAST DATE IT WAS PRODUCED. SO FORTH. THE