STATE OF WISCONSIN CIRCUIT COURT EAU CLAIRE COUNTY



CORNELL SCHOOL DISTRICT, et al.,

Plaintiffs,

-vs-

Case No. 86-CV-287

UNITED STATES MINERAL PRODUCTS COMPANY, et al.,

Defendants.

ANSWERS OF DEFENDANT, UNITED STATES MINERAL PRODUCTS COMPANY, TO PLAINTIFFS', LA CROSSE SCHOOL DISTRICT AND CHIPPEWA COUNTY, FIRST SET OF INTERROGATORIES TO DEFENDANT, UNITED STATES MINERAL PRODUCTS COMPANY

TO: Mr. Mark A. Peterson
Mulcahy & Wherry, S.C.
815 East Mason St., Suite 1600
Milwaukee, Wisconsin 53202

Defendant, UNITED STATES MINERAL PRODUCTS COMPANY, hereby answers the plaintiffs' Interrogatories as follows:

This defendant states that it has attempted to answer the Interrogatories as they relate to this litigation to the best of its knowledge, but has had to review many documents, some of which are incomplete due to age and this defendant's record retention policy, and such records may be incomplete. Accordingly, this defendant reserves the right to amend or supplement its answers if it finds that inadvertent omissions or errors have been made or additional or more accurate information becomes available.

Additionally, this defendant only manufactured and sold asbestos-containing products from 1954 through 1971. 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 Wisconsin.

Q. 1. Identify the person signing these Interrogatories on behalf of the answering defendant.

A. 1. Mr. James P. Verhalen, Chairman of United States Mineral Products Company.

Q. 2. As to each Interrogatory, identify the person(s) and/or document(s) which furnished information upon which the answer is based.

A. 2. Mr. James P. Verhalen, Mr. Louis S. Gillow, and other company employees; as to documents please see any documents attached hereto and documents produced in response to your first request for production.

Q. 3. Identify the answering defendant as well as all prior names or predecessor entities by which the defendnt has existed.

A. 3. This defendant began manufacturing and selling products containing asbestos under the trade name "CAFCO" in 1954. At that time, defendant's legal name was United States Mineral Wool Company. From December 12, 1964 to present, defendant's legal name has been United States Mineral Products Company. At no time has this defendant ever mined or processed asbestos products.

Q. 4. Identify all past and present divisions, subsidiaries or affiliated companies to the answering defendant.

A. 4. See Answer No. 3. Further answering, defendant states that in 1954, it formed a wholly owned subsidiary, Columbia Acoustic

and Fireproofing Company to market and license contractors to spray apply a blended mineral fiber product under the trade name of CAFCO-SPRAY. During 1964, Columbia Acoustics and Fireproofing Comp liquidated its assets rather than the corporation; the corporate shell maintained in good standing but has no assets and has conducted no mar facturing or sales business since 1964.

Q. 5. Have you ever mined asbestos? If so, state the dates in which you were involved in mining of asbestos, and the locations of your mines.

A. 5. This defendant has not been engaged in the mining, processing or refining of asbestos material.

Q. 6. Have you ever milled asbestos? If so, state the dates you were involved in the milling of asbestos, and the locations of your milling facilities.

A. 6. See Answer No. 5.

Q. 7. Have you ever sold raw asbestos fiber? If so, state the dates you were involved in the sale of raw asbestos fiber, and describe the circumstances of your involvement.

A. 7. No.

Q. 8. List by brand name every product containing asbestos which you have ever manufactured. As to each such product, state the following:

(a) type of product (e.g., acoustical plaster, fireproofing, etc.);

(b) the date the product first went into production;

(c) the last date the product was produced;

(d) the last date the product was sold;

(e) all manufacturing locations;

(f) dates of manufacture at each location;

(g) the identity of each plant manager or works manager and each quality control superintendent at each location during said production and the dates thereof;

(i) the percentage of asbestos, and the dates and all reasons for any modification thereto;

(j) the type of asbestos;

(k) the source of asbestos;

(l) the color, physical characteristic, and appearance of the product;

(m) a full and precise description of the package in which the product was sold, including, but not limited to, type of package, size, color(s), and writings thereon;

(n) all other names under which the product was sold;

(o) the number and date of each patent or patent application as to the product;

(p) if the product continued to be produced after the deletion of asbestos, reasons why the asbestos was deleted, the identity of the person who made the decision to delete the asbestos, and the date the product was first produced without asbestos;

(q) if the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production;

(r) a precise description of [illegible] initials and the dates of inclusion on the product; and

(s) the identity of the custodian of actual containers or photographs of containers of the product.

A. (a) (i) Cafco Spray: Fireproofing, insulation and acoustical treatment of buildings.

(ii) Cafco Blaze-Shield: Fireproofing of structural steel and steel floors.

(iii) Cafco Sound-Shield: Acoustical absorption.

(iv) Cafco Heat-Shield: Building insulation.

(v) Cafco Power-Shield: High temperature power and process insulation.

(vi) Cafco Blaze-Shield Type D: Fireproofing of structural steel and steel floors.

(vii) Cominco: High temperature power and process insulation of curved surfaces.

(b), (c), and (d)

(i) Cafco Spray 1954- 1958.
(ii) Cafco Blaze-Shield 1958-1971.
(iii) Cafco Sound-Shield 1958-1964.
(iv) Cafco Heat-Shield 1958-1971.
(v) Cafco Power-Shield 1964-1971.
(vi) Cafco Blaze-Shield Type D 1965-1970.
(vii) Cominco, precise dates unknown, but inception date was prior to 1961.

(e) Stanhope, New Jersey

(f) See Answers No. 8(b-d) above.

(g) Plant Managers: Robert Schlemmer
William Trautvetter

Quality Control Superintendent: F.M. Stumpf

(i) and (j) This defendant objects to this Interrogatory on the grounds that it calls for the disclosure of proprietary and

trade secret information which is privileged and beyond the scope of discovery. Without waiving this objection, defendant states that all of its products containing asbestos were composed principally of mineral wool together with non-asbestos containing proprietary binders in addition to less than 30% chrysotile asbestos in Cafco Spray, Cafco Blaze-Shield, Cafco Power-Shield and Cominco and less than 25% chrysotile asbestos in other relevant products.

On several occasions, USM reduced the amount of asbestos contained in Cominco to the point that in 1967, it contained less than 10% chrysotile asbestos. All products referred to in the answer to Interrogatory 3, including Cominco, were altered or modified to remove all asbestos during 1969 and 1970, except for Cafco Sound-Shield which was manufactured free of asbestos in 1965 and thereafter was known as Cafco Sound-Shield 85. In 1965, USM introduced Cafco-Blaze-Shield Type D which contained lesser amounts of asbestos with increased binder content and density. During 1970 USM's products were manufactured in an asbestos-free form and were known as Cafco Blaze-Shield C/F, Cafco Heat-Shield C/F, Cafco Blaze-Shield Type D C/F, Cominco and Cafco Power Shield. All changes were made in response to market demand and under the recommendation of J. P. Verhalen and Frank Stumpf.

(k) Johns-Manville was the mining and milling concern from which the majority of asbestos fiber was obtained by this defendant. Upon information and belief, minor quantities of raw asbestos fiber were also obtained from Carey Canada, Inc., Lake Asbestos of Quebec, Ltd., and Asbestos Corporation of America.

person was employed in that capacity and the facility or office to which the person was assigned. If you did not have a medical officer, please identify the person or persons who performed that function and the dates thereof.

A. 16. The company had not had a medical officer or person performing such function.

Q. 17. Identify all persons employed by you from 1930 until the present time who functioned as industrial hygienists, listing the periods of time each such person was employed in that capacity and the facility or office to which the person was assigned. As used in this Interrogatory, an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggests methods of dealing with the same.

A. 17. None.

Q. 18. Did any asbestos product manufactured or distributed by you ever contain any warning, caution or special instruction concerning the health consequences of the use of the product or the breathing of asbestos dust, or safety procedures to be employed

AFFIDAVIT

STATE OF NEW JERSEY:
:SS
SUSSEX COUNTY :

James P. Verhalen, under oath deposes and states as follows:

1. That he is the chairman of United States Mineral Products Company.

2. That he has been employed by United States Mineral Products Company since 1948.

3. That he has reviewed the Answers of United States Mineral Products Company to the Interrogatories of Plaintiffs attached hereto and states that the information contained therein is true and accurate to the best of his knowledge, information and belief.

Dated this 11th day of June, 1986.

James P. Verhalen

Subscribed and sworn to before me this 11th day of June, 1986.

Henriette S. Williams
Notary Public, Sussex County, New Jersey
My commission expires May 27, 1991

AFFIDAVIT OF MAILING

State of Wisconsin:
:ss
Manitowoc County :

I certify that on June 19, 1986 I served the within document, by mail, postage prepaid, pursuant to Rule 801.14(2) Wis. Rules of Civil Procedure.

Jeanne Wolfe

Subscribed and sworn to before me
this 19th day of June 1986.

Joan Ravanelli Miller
Joan Ravanelli Miller, Notary Public
Manitowoc County, Wisconsin
My commission is permanent.

TO: Mr. Mark A. Peterson
Mr. Daniel A. Speights
Mr. Edward J. Westbrook
Mr. Michael P. Thornton