

CC: A. L. Meyer - Ardmore
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Denver Sales Mgr.

82N 416

PLAINTIFF'S EXHIBIT

GP-2098

May 2, 1962

Mr. J. A. Marian
Gypsum Products Manager
Johns-Manville Sales Corporation
22 East 14th Street
New York 16, New York

Dear Joe:

I have an extensive file on Johns-Manville Complaint KB-173 involving the Denver Drywall Company and Denver Wood Products. The last letter on this file is that of Mr. Damison to me dated February 14th. I am sorry to have delayed writing to you about this but you realize there have been several discussions relative to settling complaints in view of three or four fairly large complaints Johns-Manville has reported.

In reviewing the file, the plant admits no defective material. You realize that gypsum board, as all gypsum products, is made to meet certain minimum Federal Specifications and/or ASTM Standards. These specifications allow for certain tolerances and the plant is within their rights in insisting that the material is not defective, if the product meets the specifications.

In reviewing the contract, the only basis for making an adjustment from Bestwall to Johns-Manville is the replacement of defective material of the same size and type originally furnished. This has been interpreted to mean a monetary adjustment representing the cost of the material to Johns-Manville from Bestwall plus freight from the Bestwall Plant to the destination.

Therefore, Bestwall cannot reimburse Johns-Manville in the amount of \$114.98 representing the sum of the four invoices submitted by the Denver Drywall Company, dated December 30, 1961, to Johns-Manville. If you would care to review the file further and indicate "the amount of defective material" which was involved, further consideration will be given to an adjustment to that extent.

Any adjustment Johns-Manville makes to Johns-Manville customers is entirely your prerogative and cannot reflect merely defective material alone, but many other factors.

Very truly yours,

fig vs 5/2/62
BESTWALL CERTAIN-THEE SALES CORPORATION

C. E. Abbey
Merchandise Manager - Gypsum

CEA:rk

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