

PL
6/4/90 JUL 31 1990

IN THE FIRST JUDICIAL DISTRICT OF IOWA

IN RE: FIRST JUDICIAL DISTRICT)
OF IOWA ASBESTOS LITIGATION)
(IJD)) ("IJD MFR-1")
)

UNITED STATES GYPSUM COMPANY'S RESPONSES TO
GALLIGAN & CONLIN MASTER INTERROGATORIES

UNITED STATES GYPSUM COMPANY hereby submits the attached Master Response to the Galligan & Conlin Master Interrogatories.

INTERROGATORY NO. 1: Please identify each person who was spoken to or who provided information used in answering these interrogatories on behalf of Defendant. For each such person, indicate the number of the interrogatory and its subpart for which the person provided the information.

ANSWER: F. M. Poremski, Manager, Financial and Accounting Services, United States Gypsum Company, has reviewed these Responses for the purpose of satisfying the verification requirements. These Responses have been prepared based on the continual review of documents located in this defendant's files and information obtained from discussions with this defendant's employees over a period of many years. It is not possible to reconstruct each step taken to gather this information or to verify all documents which might possibly pertain to the matters at issue that have been located or examined in connection with these Responses. Nor is it possible to specifically identify by name each person who has participated in the preparation of these Responses or to identify each document which may have provided information used in preparing these Responses.

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INTERROGATORY NO. 2: Please identify all documents used, related to, or referred to in connection with either the preparation of these



interrogatories or the answers to these interrogatories. For all such documents, state the number of the interrogatory and its subpart.

ANSWER: See this defendant's response to Interrogatory No. 1.

INTERROGATORY NO. 3: Please state whether or not Defendant is a corporation, association, limited partnership, partnership, or sole proprietorship. And then, state the following:

- (a) Defendant's correct name;
- (b) The state of Defendant's incorporation or filing (if limited partnership);
- (c) The address of your principal place of business;
- (d) The names and addresses of all partners (if a partnership);
- (e) The name and address of the general partner (if a limited partnership);
- (f) The name and address of the owner (if a sole proprietorship); and,
- (g) The name and address of all members (if an association).

ANSWER: This defendant, United States Gypsum Company is a corporation.

- (a) United States Gypsum Company.
- (b) Delaware. (This defendant is not a limited partnership.)
- (c) 101 South Wacker Drive, Chicago, IL 60606.
- (d-g) Not applicable.

INTERROGATORY NO. 4: Please state in detail Defendant's complete corporate or business history, including date of incorporation, any mergers, consolidations, reincorporations, predecessors, prior names, asset pur-

chases, acquisitions or spin-offs having to do with the mining, manufacture, processing, or sale of asbestos-containing products. Regarding Defendant's corporate or business history, in addition:

- (a) Identify each document related to the history or transaction(s) set forth in answer to this interrogatory;
- (b) If you have sold any asbestos-containing product line or stock in a company dealing in asbestos-containing products, state the date of the sale and identify the purchaser;
- (c) If Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity engaged in the manufacturing or sale of asbestos-containing products, please state the date of such assumption or acquisition; and,
- (d) For each assumption or acquisition in subpart (c), please identify each document governing the terms and conditions of any such transaction and/or acquisition, and state as to each acquisition:
 - (1) The name or description of each corporation, entity or assets acquired by defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of defendant at the time of acquisition;
 - (2) The manner by which each such corporation, entity, or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
 - (3) The date of each such acquisition;
 - (4) The state in which each such acquisition was effected;
 - (5) The state law governing each such acquisition if specified by contract;
 - (6) Whether defendant became legally responsible for the past torts of each such corporation or entity; and,
 - (7) The trade or brand names of all products or product lines acquired in the transaction.

ANSWER:

<u>Date Incorporated</u>	<u>Date Dissolved</u>	<u>Name</u>	<u>State</u>
12/27/01	8/23/20	United States Gypsum Company	NJ
8/23/20	10/14/27	Avery Gypsum Company	NJ
8/12/20	12/24/36	United States Gypsum Company	IL
12/24/36	8/--/52	United States Gypsum Company	DE
8/--/52	2/04/66	United States Gypsum Company	IL
2/04/66	7/01/66	USG Corporation	DE
7/01/66	--/--/--	United States Gypsum Company	DE

United States Gypsum Company acquired the assets of National Asbestos Manufacturing Company in 1936. National Asbestos Manufacturing Company was located in New Jersey and no longer exists as a corporate entity. Said company was a producer of asbestos-containing pipecovering. National Asbestos Manufacturing Company was incorporated July 24, 1919 in the State of New Jersey.

United States Gypsum Company acquired A. P. Green of Missouri in 1966. A. P. Green is located in Mexico, Missouri, and is no longer affiliated with United States Gypsum Company. Said company is primarily a manufacturer of refractory products. A small percentage of the products it manufactured or sold contained asbestos as part of their formulations. A. P. Green was incorporated under Missouri law as A. P. Green Fire Brick Company on December 4, 1915.

United States Gypsum Company acquired Chicago Mastic Company, a manufacturer of adhesives, in 1971. Said company was acquired by purchase of stock. Chicago Mastic Company was incorporated in the State of Illinois on March 30, 1950.

INTERROGATORY NO. 5: Please state, and specifically name which of the following entities are included as the "defendant" for the purpose of answering these interrogatories:

- (a) Organizational units of the defendant;
- (b) Predecessors of the defendant;
- (c) Subsidiaries of the defendant;
- (d) Entities affiliated with the defendant;
- (e) Corporations, entities or assets purchased, assumed or in any other manner acquired by the defendant or any of its predecessors or subsidiaries at any time; and,
- (f) Identify all Presidents or Chief Executive Officers employed by you or any of your predecessors from 1925 to present.

ANSWER: United States Gypsum Company. In addition, see this defendant's response to Interrogatory No. 4.

- (a-e) Organizational Units and Predecessors of this defendant.
- (f) Information sought in this Interrogatory is available in this defendant's annual reports. Copies of annual reports that plaintiff can establish are relevant to this litigation will be made available for plaintiff's inspection at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL 60606, pursuant to a properly filed request to produce.

INTERROGATORY NO. 6: Please state whether or not defendant or its predecessor(s) or subsidiaries has ever (1) held a certificate of authority to do business or is otherwise licensed to do business in Iowa or Illinois, (2) has ever been licensed to do business in Iowa or Illinois, (3) has ever regularly conducted business in Iowa or Illinois, or (4) has ever had a registered agent in the States of Iowa or Illinois. If the answer is affirmative for either state, please state the date(s) on which such certificate

of authority and/or license was obtained and held in Iowa or Illinois, the date(s) during which such business was regularly conducted in Iowa or Illinois, or the date(s) defendant had a registered agent in the states of Iowa or Illinois.

ANSWER: This defendant has been licensed to do business in Iowa since 1920. This defendant has been licensed to do business in Illinois since 1933.

INTERROGATORY NO. 7: Has defendant, defendant's organizational units, predecessors, subsidiaries, organizational units, or affiliated entities, at any time, engaged in the manufacture, marketing, sale, use and/or distribution of insulation or any asbestos-containing product? If so, for each such entity, please state:

- (a) The organizational unit of defendant, the predecessor, the subsidiary or affiliated entity so engaged in such activity;
- (b) The nature of the organizational unit's, predecessor's, subsidiary's or affiliated entity's activities involving asbestos-containing products;
- (c) The date such activity began;
- (d) If such activity was terminated, the date such activity was terminated, and the reason why it was terminated; and,
- (e) The geographical area into which you claim the asbestos-containing product(s) were sold, marketed, or distributed.

ANSWER:

- (a) United States Gypsum Company or its predecessors. See this defendant's response to Interrogatory No. 4.
- (b) Objection. This Interrogatory is vague and ambiguous. Without waiving this objection, this defendant manufactured and sold some products containing asbestos as part of their formulations.

- (c) See attached Exhibit No. 1.
- (d) See attached Exhibit Nos. 1 and 2.
- (e) Objection. This Interrogatory is vague and ambiguous. Without waiving this objection, the sale, marketing and distribution of this defendant's asbestos-containing products were not necessarily limited by geographical area.

In addition, this defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 101 South Wacker Drive, Chicago, IL 60606, pursuant to a properly filed request to produce.

INTERROGATORY NO. 8: Has defendant, defendant's organizational units, predecessors, organizational units, subsidiaries, or affiliated entities, at any time, engaged in the mining, milling and/or subsequent sale of asbestos fiber? If so, please state:

- (a) The organizational unit of defendant, the predecessor, the subsidiary or affiliated entity so engaged in such activity;
- (b) The nature of its business activities involving asbestos-containing products;
- (c) The date such activity began;
- (d) The years during which such activity took place;
- (e) If such activity was terminated, the date terminated, and the reason why terminated; and,
- (f) The geographical area into which you claim the asbestos was sold.

ANSWER: This defendant never mined, milled or sold asbestos fiber.

INTERROGATORY NO. 9: State the addresses and business telephone numbers of each facility, building, mine, mill or location which was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for insulation or asbestos-containing products, state the inclusive dates each such facility was in operation, and further state its function (e.g., manufacturing, warehousing finished products, sales office, etc.).

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, see attached Exhibit No. 1 for the locations of this defendant's facilities which manufactured asbestos-containing products and the dates of such activity.

INTERROGATORY NO. 10: Please list each asbestos-containing product mined, manufactured, sold, used, marketed and/or distributed by defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities; also please state the following for each named product:

- (a) Its generic name;
- (b) Its trade or brand name;
- (c) Any common, popular or slang names by which the product was referred, as well as the type of product involved (e.g., pipecovering, cement, etc.);
- (d) Its chemical composition (include the specific asbestos fiber type(s) -- e.g., amosite, chrysotile, or crocidolite -- and percentage by weight of each asbestos fiber type contained in the product, as well as identify

the percentage by weight of all other ingredients of the product).

- (e) The intended use of the product, including the temperature ranges for which the product was recommended;
- (f) The form in which the product was shipped (e.g., burlap bags, paper bags, drums, cardboard boxes, wooden crates, etc.), including the size and amount of the container;
- (g) The name of the company mining, manufacturing, marketing and/or selling said product, if not defendant;
- (h) A detailed description of the intended method of preparation and application of the product;
- (i) A description of the physical appearance of the product, including size, shape, color and texture;
- (j) A description of any logos, writing, impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- (k) Identify each individual who participated in the design, preparation and approval of the company manufacturing and/or technical specifications for the product;
- (l) Whether the product has been altered in chemical composition since first being made. If so, please state as to each such alteration:
 - (1) The date of alteration;
 - (2) The nature of the alteration;
 - (3) The reason for the alteration;
 - (4) The identity of the person(s) recommending or approving such alteration; and,
 - (5) Whether there were any studies, evaluations or tests made in connection with the alteration, and if so, identify each such study.
- (m) Whether the product could be used interchangeably with products of other manufacturers, distributors or sellers and, if so, please identify each such product and its manufacturer;
- (n) The year product was first mined, manufactured, sold, marketed, or distributed, and, if discontinued, the year

and the reason such mining, manufacture, sale, marketing or distribution stopped;

- (o) The years during which the product was mined, manufactured, sold, marketed or distributed;
- (p) Which unit of defendant, defendant's predecessor, subsidiary or affiliated company mined, manufactured, sold, marketed and/or distributed the product;
- (q) Whether or not said product was ever manufactured, sold, marketed or distributed in the State of Iowa and the time period during which such manufacture, sale, marketing or distribution took place; and,
- (r) The plants and address(es) at which the product was mined or manufactured.

ANSWER: See attached Exhibit No. 1.

- (a) See attached Exhibit No. 1.
- (b) See attached Exhibit No. 1.
- (c) See attached Exhibit No. 1.
- (d) Objection. This defendant objects to "chemical composition" on the basis that it constitutes confidential trade secrets of this defendant. Without waiving this objection, chrysotile was the "type of asbestos" used in virtually all U. S. Gypsum Company products that contained asbestos. U. S. Gypsum now understands that amosite asbestos may have been used as a component ingredient in rigid block insulation for short periods of time.

Additionally, see attached Exhibit No. 3.

- (e) See attached Exhibit No. 1. In addition, K-FAC rigid block insulation: 1000 degrees; K-FAC 19 rigid-block insulation; 1900 degrees; pipecovering; very limited information on the pipecovering produced by this defendant from 1936 to 1938 has been located. To this defendant's best current knowledge, information and belief, its pipecovering withstood temperatures up to 650 degrees. All other products: not applicable.
- (f) See attached Exhibit No. 4.
- (g) United States Gypsum Company. In addition, U. S. Gypsum manufactured colored exterior stucco for National Gypsum Company from the 1940s to the 1970s. This was resold under National Gypsum's Gold Bond label. U. S. Gypsum

possesses documents which indicate that it was authorized to manufacture exterior finish stucco for the following companies who sold it under their company label: National Brickstone, early 1960s; Brickstone International, early 1960s to early 1970s; Temple Brick Corporation, mid-1960s.

U. S. Gypsum manufactured a high temperature block insulation product for A. P. Green Refractories Company for an eighteen month period in 1970 and 1971.

Further, U. S. Gypsum manufactured SprayDon Fireproofing from 1966 to 1971 for the Sprayon Research Corporation. Those products were sold and distributed by Sprayon Research Corporation and Metropolitan Spray, and manufactured according to Sprayon specifications by this defendant.

The above-referenced documents will be made available for plaintiff's inspection through U. S. Gypsum's offices at 101 S. Wacker Drive, Chicago, Illinois.

- (h) See attached Exhibit No. 4. In addition, to this defendant's best current knowledge, information and belief, asbestos cement and plasters were applied with a trowel. Joint compounds and plasters were applied with a trowel. Textures were applied with a brush roller or were spray-applied. Spray fireproofing and thermal insulation were spray-applied. Pipecovering and rigid block insulation were cut to desired lengths and contours.
- (i) See attached Exhibit No. 5.
- (j) As to logos, etc., on the product itself, none of which this defendant is currently aware, to its best current knowledge, information and belief. See attached Exhibit No. 4.
- (k) Objection. This defendant has employed thousands of employees since its inception and thus it would be impossible to determine who would have the knowledge or information that plaintiff is seeking. Without waiving this objection, this information may be derived from operating bulletins and research reports which are regularly maintained business records of United States Gypsum Company. The burden of deriving or ascertaining the answers is substantially the same for the party serving these interrogatories as it is for United States Gypsum Company. Accordingly, United States Gypsum Company will afford plaintiff the opportunity to examine the relevant operating bulletins and research reports at

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a mutually convenient time through its offices at 101 South Wacker Drive, Chicago, Illinois.

Some of these documents contain confidential research developments and commercial information. Accordingly, the relevant research reports will be made available for plaintiff's inspection and copying only pursuant to an appropriate Confidentiality Stipulation and Protective Order, through United States Gypsum Company's offices at 101 South Wacker Drive, Chicago, Illinois.

- (l) Objection. This defendant objects to "chemical composition" on the basis that it constitutes confidential trade secrets of this defendant. Without waiving this objection, see attached Exhibit No. 3.
- (m) Objection. This defendant can answer for its own products only. To state whether this defendant's products are "interchangeable" with another defendant's would require this defendant to know all of the specific characteristics of another defendant's products. Therefore, this defendant is unable to form a meaningful response to this interrogatory.
- (n) See attached Exhibit Nos. 1 and 2.
- (o) See attached Exhibit No. 1.
- (p) United States Gypsum Company.
- (q) See attached Exhibit No. 1.

U. S. Gypsum does not possess any records maintained in the normal course of business which identify who the ultimate user of the product was or where it was installed. With that limitation, U. S. Gypsum responds as follows: Prior to 1966, U. S. Gypsum sold its construction products, some of which may have contained small amounts of asbestos, exclusively through independent dealers. Beginning in about 1966, U. S. Gypsum sold its construction products either directly to independent contractors, independent distributors or, as had previously been the custom, through independent dealers.

This defendant has no sales records for the years prior to 1965, other than records of gross sales of individual products by plant. Sales records thereafter are contained in computer printouts. Records of products which the plaintiff can establish were relevant to the subject matter of this lawsuit will be made available for inspection at a mutually convenient time at 101 South Wacker Drive, Chicago, IL 60606, pursuant to a properly filed request to produce.

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(r) See attached Exhibit No. 1.

INTERROGATORY NO. 11: For each occasion on which defendant delivered, sold, shipped or otherwise provided insulation or asbestos-containing products to any of the entities listed on the attached Exhibit "G&C ENT-1", provide the following information by completing in full a "Form B" attached hereto and incorporated herein by reference:

- (a) The name, address, and telephone number of the company or defendant answering this interrogatory;
- (b) The name, address, and telephone number of the product purchaser, jobsite owner or general contractor on the jobsite;
- (c) The name and address of the jobsite or the name and address of the sale, use, installation or delivery location;
- (d) The date and duration of the job;
- (e) A description of the job or type of work performed at the jobsite by the defendant company;
- (f) The defendant company's function at the jobsite or delivery location (e.g., insulation contractor, supplier, or other);
- (g) Whether the project or job is best described as new construction, remodeling, tear out or any combination thereof;
- (h) A generic description of the insulation or asbestos-containing products delivered, sold, shipped, installed, used or provided at the jobsite or delivery location (e.g., pipecovering, cement, block);
- (i) A description of the trades using the above products at the jobsite or delivery location;
- (j) A complete description of the insulation or asbestos containing products delivered, sold, installed, used or provided on this jobsite or delivery location, including the identity of the manufacturer, the brand name, product name and quantity used, if known;

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- (k) The names, addresses, and telephone numbers of all witnesses to the insulation or asbestos-containing products on the jobsites or delivery location, including but not limited to, delivery persons, employees, workers of defendant-company on the jobsite, supervisors of defendant on or off the jobsite;
- (l) Whether or not documents exist which describe any part of the transaction at the jobsite or delivery location, including but not limited to, plans, specifications, contracts, drawings, photographs, invoices, statements, bills of lading, vouchers, accounts, purchase orders, or other records relating to the sale, shipment, delivery or installation of insulation or asbestos containing products.
- (m) The names, addresses and telephone numbers of each person with knowledge of the transaction at the jobsite or delivery location;
- (n) The names, addresses and telephone numbers of other contractors at the jobsite or delivery location, together with a description of each's responsibilities (e.g., general contractor, plumbing contractor, insulating contractor, or mechanical contractor); and
- (o) If Defendant is unable to provide the information requested or to provide documents evidencing the use of Defendant's products by said entities, confirm or deny the existence and use of Defendant's products during the relevant time period.

ANSWER: See this defendant's response to Interrogatory No. 10(q).

INTERROGATORY NO. 12: For each occasion on which defendant delivered, sold, provided or shipped asbestos-containing products to any of the jobsites listed on the attached Exhibit "G&C JS-1," and for each occasion which defendant installed or used asbestos-containing products at any of the jobsites listed on the attached Exhibit "G&C JS-1," provide the following information by completing in full a "Form B" attached hereto and incorporated herein by reference:

- (a) The name, address, and telephone number of the company or defendant answering this interrogatory;

- (b) The name, address, and telephone number of the product purchaser, jobsite owner or general contractor on the jobsite;
- (c) The name and address of the jobsite or the name and address of the sale, use, installation or delivery location;
- (d) The date and duration of the job;
- (e) A description of the job or type of work performed at the jobsite by the defendant company;
- (f) The defendant company's function at the jobsite or delivery location (e.g., insulation contractor, supplier, or other);
- (g) Whether the project or job is best described as new construction, remodeling, tear out or any combination thereof;
- (h) A generic description of the insulation or asbestos-containing products delivered, sold, shipped, installed, used or provided at the jobsite or delivery location (e.g., pipecover, cement, block);
- (i) A description of the trades using the above products at the jobsite or delivery location;
- (j) A complete description of the insulation or asbestos-containing products delivered, sold, installed, used or provided on this jobsite or delivery location, including the identity of the manufacturer, the brand name, product name and quantity used, if known;
- (k) The names, addresses, and telephone numbers of all witnesses to the insulation or asbestos-containing products on the jobsites or delivery location, including but not limited to, delivery persons, employees, workers of defendant-company on the jobsite, supervisors of defendant on or off the jobsite;
- (l) Whether or not documents exist which describe any part of the transaction at the jobsite or delivery location, including but not limited to, plans, specifications, contracts, drawings, photographs, invoices, statements, bills of lading, vouchers, accounts, purchase ordered, or other records relating to the sale, shipment, delivery or installation of insulation or asbestos-containing products;

- (m) The names, addresses and telephone numbers of each person with knowledge of the transaction at the jobsite or delivery location;
- (n) The names, addresses and telephone numbers of other contractors at the jobsite or delivery location, together with a description of each's responsibilities (e.g., general contractor, plumbing contractor, insulating contractor, or mechanical contractor); and
- (o) If Defendant is unable to provide information requested or to provide documents evidencing Defendant's products on said job sites, confirm or deny the existence and use of Defendant's products during the relevant time period.

ANSWER: See this defendant's response to Interrogatory No. 10(q).

INTERROGATORY NO. 13: Please list all products containing asbestos with which defendant has had any relationship (manufacture, production, formulation, assembly, sale, marketing, distribution, etc.) by generic name as well as brand name, which defendant recognized would be used by tradespersons in the plumbing, pipefitting, insulating, boilermaking, welding, construction, or sheetmetal trades, or which would be used around such tradesmen, or to which they might be exposed.

- (a) For each named product, please describe how each product would be used by a tradesperson in the plumbing, pipefitting, insulation, boilermaking, construction, welding, or sheetmetal fields;
- (b) For each named product, please describe how a tradesperson in the plumbing, pipefitting, insulation, boilermaking, construction, welding, or sheet metal fields would be exposed to or come in contact with that product.

ANSWER:

<u>Generic Name</u>	<u>Product Name</u>	<u>Period of Manufacture</u>
Pipecovering	Jacketless Asbestos Pipe Covering; National Super Air Cell Asbestos Pipe Covering; National Wool Felt Pipe Covering; 85% Magnesia Pipe Covering; National Anti-Sweat Pipe Covering; Laminated Asbestos-Sponge Insulation; National Range Boiler Jacket; Pyro-Bestos Pipe Covering; Asbestos Air Cell And Mill Boards.	1936-1938
Asbestos Cement	Asbestos cements - dry and wet formulations.	1936-1939
Rigid Block Insulation	K-FAC K-FAC 19	1943-1950 1970-1971
High temperature thermal insulation	SprayDon Powercote (manufactured for Sprayon Research Corporation which distributed its own product).	1969-1971

U. S. Gypsum purchased pipecovering from a company believed to be named Baldwin-Ehret-Hill in the 1930s.

Pipecovering: for steam and hot water insulation, for hot or cold water lines; Asbestos cements: insulation purposes where sheet and block insulation would be impractical; K-FAC: block insulation for steam locomotive boilers; K-FAC 19: block insulation for kilns and boilers; SprayDon Powercote: high temperature thermal insulation.

To this defendant's best current knowledge, information and belief, asbestos cement was applied with a trowel; thermal insulation was spray-applied; pipecovering and rigid block insulation were cut to desired lengths and contours.

INTERROGATORY NO. 14: Please state whether you have any documents of any kind indicating or reflecting past sales, purchases, or exchanges of insulating or asbestos-containing products, including, but not limited to, invoices, orders, purchase records, sales records, confirmations, exchange vouchers, bills of lading, annual or other periodic summaries of sales or orders, accounts payable or accounts receivable records, etc. If so, describe in detail the different types of documents that you have, and state the following as to each type of document:

- (a) The items of information contained on it (e.g., date of sale, product, quantity, purchaser, shipment location, price, etc.);
- (b) The years of sale encompassed by documents still in existence;
- (c) The current location of the documents;
- (d) The identity of the current custodian of the documents, as well as the current employee most familiar with the codes or system used on the documents;
- (e) The extent to which documents still in existence are complete as opposed to fragmentary (e.g., all numbered invoices for 1950-1984 are possessed, or few invoices remain for the time period of 1950-1970, but records thereafter are complete); and,
- (f) Whether an index, partial or complete, has ever been prepared of the documents, and, if so, identify each such index.

ANSWER: See this defendant's response to Interrogatory No. 10(q).

INTERROGATORY NO. 15: Please identify each distributor or wholesaler of your insulation or asbestos-containing products either located in the states of Iowa or Illinois, or authorized to sell or distribute products within the states of Iowa or Illinois, or for use on projects within the

state of Iowa or Illinois. For each distributor or wholesaler, please state:

- (a) Their last known address;
- (b) The years of, and the geographical area encompassed by, the relationship;
- (c) Whether there was a written distributorship agreement;
- (d) Whether the distributorship was exclusive;
- (e) Identify all documents pertaining to the distributor or wholesaler relationship;
- (f) The extent to which sales to customers in Iowa were handled through distributors or wholesalers as opposed to direct sales by defendant; and,
- (g) The extent to which distributors or wholesalers located outside of Iowa were permitted to sell into Iowa.

ANSWER: See this defendant's response to Interrogatory No. 10(q).

INTERROGATORY NO. 16: Did you ever have any sales offices in Iowa or Illinois? If the answer is affirmative, please state as to each such sales office:

- (a) Its address and years of operation;
- (b) Identify all managers from 1930 through the present and the years during which they served;
- (c) Identify all sales personnel from 1930 through the present, the years during which they served, and describe each person's sales jurisdiction or responsibility; and,
- (d) If the defendant never maintained any sales office in Iowa, please identify which of your sales personnel were responsible for sales into Iowa or Illinois from 1930 through the present, describe the sales areas for which they were responsible, state the years for which they were responsible for such sales, state their last known employers and addresses, and state which are still your employees.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, see attached Exhibit Nos. 10 and 11.

INTERROGATORY NO. 17: Do any documents, including written memoranda, company specifications, blueprints or other written materials of any kind or character relating to the design, preparations, or chemical composition of the products listed in answer to these interrogatories now exist? If so, please identify each such document.

ANSWER: This information may be derived from operating bulletins and research reports which are regularly maintained business records of United States Gypsum Company. The burden of deriving or ascertaining the answers is substantially the same for the party serving these interrogatories as it is for United States Gypsum Company. Accordingly, United States Gypsum Company will afford plaintiff the opportunity to examine the relevant operating bulletins and research reports at a mutually convenient time through its offices at 101 South Wacker Drive, Chicago, Illinois.

Some of these documents contain confidential research developments and commercial information. Accordingly, the relevant research reports will be made available for plaintiff's inspection and copying only pursuant to an appropriate Confidentiality Stipulation and Protective Order, through United States Gypsum Company's offices at 101 South Wacker Drive, Chicago, Illinois.

INTERROGATORY NO. 18: Does a patent exist or did a patent exist for any of the products listed in your answers to these interrogatories? If so, for each such product, please state:

- (a) The product name and the number of its patent;
- (b) The date the patent was issued; and,
- (c) The product name and number of each patent application that is pending.

ANSWER: This defendant is aware that it held a patent for at least one of the above-stated products, that product being K-FAC. As related to the other specified products, to the extent such information is available to United States Gypsum Company and would not require it to undertake an unreasonable investigation at an unreasonable cost, it is contained in documents which United States Gypsum Company will provide through its offices at 101 S. Wacker Drive, Chicago, IL 60606, pursuant to a properly filed Request to Produce.

INTERROGATORY NO. 19: Please state the name and address of each business entity from whom the defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities have ever bought or received raw asbestos fiber, and as to each such transaction please state the following:

- (a) The date of each sale or providing of asbestos fiber, as well the amount received;
- (b) The seller or provider of the asbestos fiber;
- (c) The type of asbestos fiber sold or provided (e.g., amosite, chrysotile, or crocidolite);
- (d) The use made of each sale or supply of asbestos fiber; and,

- (e) The identity of all documents relating to the purchase or receipt of raw asbestos fiber.

ANSWER: The following are known to have been approved suppliers of asbestos: Canadian Johns-Manville, Lake Asbestos of Quebec, Nicolet Industries, Carey Canadian, Asbestos Corporation, Atlas Asbestos, Union Carbide, Pacific Asbestos, Keasby and Mattison and Johnson Mines. Atlas Asbestos and Pacific Asbestos shipped only to California. U. S. Gypsum company also purchased small amounts of asbestos from North American Asbestos for a short period of time. It is unknown which source of supply was used for each particular product, at which mines the raw asbestos was mined, and from which locations the raw asbestos was shipped.

Additionally, see this defendant's response to Interrogatory No. 10(d).

INTERROGATORY NO. 20: Did defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever market or distribute any asbestos-containing product manufactured in whole or part by someone else? If so, please state the following for each such product:

- (a) The name and address of the manufacturer;
- (b) The product's trade and brand name;
- (c) The organizational unit of defendant, the predecessor or subsidiary who marketed or distributed the asbestos-containing product;
- (d) Date(s) beginning, ending and during which the marketing or distributing took place;
- (e) Whether the product was distributed through the same channels as those used for products manufactured by defendant, and, if not, please explain the exact channels of distribution; and,
- (f) The identity of all documents relating to the marketing or distribution of such insulating or asbestos-containing product.

ANSWER: In the 1950s - 1970s, U. S. Gypsum purchased asbestos cement board from National Gypsum Company, which was reshipped as received. In addition, U. S. Gypsum drilled this material and rebranded it for sale and use as asbestos lay-in panels in the late 1950s. U. S. Gypsum also purchased pipe covering from a company believed to be named Baldwin-Ehret-Hill in the 1930s.

INTERROGATORY NO. 21: Did defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever sell or purchase any insulation or asbestos-containing product and rebrand the product, or allow or cause it to be rebranded? If so, please state the following as to each such rebranded product:

- (a) The original brand name, trade name and manufacturer of the product;
- (b) Who performed the physical rebranding and where was it accomplished;
- (c) Brand name and trade name used after the rebranding;
- (d) User or seller of the product after rebranding;
- (e) Dates beginning, ending and during which the rebranding of the product took place;
- (f) The identity of all documents reflecting any terms or conditions incident to the rebranding of a product; and,
- (g) Summarize the financial consideration (including amounts) between the participants in the rebranding arrangement.

ANSWER: See this defendant's response to Interrogatory Nos. 10(g) and 17.

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INTERROGATORY NO. 22: Did the defendant, defendant's organizational units, predecessors, affiliated entities, or subsidiaries at any time manu-

facture, formulate, mix, assemble, or produce any asbestos-containing product which was sold to another manufacturer, formulator, mixer, assembler, or producer of asbestos-containing products? If so, please state the following for each such product:

- (a) The name and address of the other manufacturer, formulator, mixer, assembler, or producer;
- (b) The product's trade name and brand name;
- (c) Dates beginning, ending, and during which the sales took place;
- (d) The identity of all documents relating to the sales; and,
- (e) Summarize the financial consideration (including amounts) between the participants in the sale.

ANSWER: See this defendant's response to Interrogatory No. 10(g).

INTERROGATORY NO. 23: Did defendant, defendant's organizational units, predecessors, affiliated entities, or subsidiaries ever enter into any distribution, licensing, franchise or agency agreements with any manufacturer of insulating or asbestos-containing products? If so, please state the following as to each such agreement:

- (a) Manufacturer with whom the agreement was entered into;
- (b) Effective dates and period of the agreement;
- (c) Product(s) involved;
- (d) Geographic areas where the product(s) were distributed;
- (e) Description of the central terms and conditions of the agreement; and,
- (f) Identity of all documents relating to the agreement.

ANSWER: See this defendant's response to Interrogatory Nos. 10(g)

and 20.

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INTERROGATORY NO. 24: Please state if and when the defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities first determined that any other product could be used in place of asbestos for one or more of the products sold by defendant. If defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities determined that any such substitute products existed, please state:

- (a) The chemical composition of any such products;
- (b) The date when any above-referenced product was first marketed;
- (c) The name or trade name under which the product was marketed;
- (d) Any patent covering the product; and,
- (e) Did you discuss or consider in any meetings, conventions, conferences, correspondence, memoranda, or any other writing, the costs associated with the substitution of other safe products for asbestos-containing products? If so, identify all such considerations by date, place, author and recipient of written material associated therewith.

ANSWER: Objection. This Interrogatory is overbroad in that it is not limited to products containing asbestos, the focus of this litigation.

INTERROGATORY NO. 25: Please identify each person by his or her job title, his or her dates of employment, and his or her periods of responsibility, who was employed by defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities at any time since 1930 and put principally in charge of:

- (a) Asbestos mining activities and/or manufacturing asbestos-containing products;
- (b) Plant operations at each facility manufacturing asbestos-containing products;

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- (c) Importation of products containing asbestos wholly or in part;
- (d) Formulation or repackaging of products containing asbestos wholly or in part;
- (e) Purchase of products containing asbestos wholly or in part;
- (f) Sale or marketing of asbestos-containing products;
- (g) The safety of products or services marketed by the defendant; and,
- (h) Selecting or submitting insulation or asbestos-containing products or samples to owners, contractors, engineers, or project managers for approval.

ANSWER: Objection. This Interrogatory is overbroad and unduly burdensome. Without waiving this objection, organizational charts of this defendant, to the extent they exist, will be made available to plaintiff for his inspection at a mutually convenient time through U. S. Gypsum's offices at 101 South Wacker Drive, Chicago, Illinois, pursuant to a properly filed request to produce.

INTERROGATORY NO. 26: Has any person ever served as a consultant, full-time or part-time, as an employee or otherwise, to defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities in any manner regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos-containing product? (The term "consultant" is meant to include any employee, or other person for hire, whose functions involved investigation, research, etc., regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos-containing products.) If so, please state the following as to each such person:

- (a) Identify the person;

- (b) The beginning date, ending date, and period of service for the person;
- (c) The job duties and/or responsibilities for the person, as well as a summary of work performed;
- (d) The plant address, office address, or duty assignment location for the person for each part of the consultancy;
- (e) The reason for retaining or training the person;
- (f) The certification, training or education possessed by the person;
- (g) The identity of the company official responsible for retaining the person, as well as the identity of the company officials with whom the person met during the period of the employment or consultancy; and,
- (h) The identity of all documents relating to the employment or consultancy in any way, including contracts, correspondence, publications, reports, status reports, studies, etc., whether or not said documents mention asbestos.

ANSWER: This defendant employed F. Tremmel as an industrial hygienist from August 4, 1986 to June 21, 1988. Prior to that time, this defendant did not employ a certified industrial hygienist.

This defendant employed H. Lawton as an industrial hygienist on 8/17/87 and H. C. Brown as an industrial hygienist on 9/28/87.

Further, this defendant has retained consultants in anticipation of litigation, and although no such consultants have been retained by this defendant for this litigation, this defendant objects to divulging the names of any such consultants on the basis that the names are exempt from disclosure by virtue of the work product privilege.

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INTERROGATORY NO. 27: Please state whether or not defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever employed, engaged or retained any physician as a consultant,

plant physician or otherwise, in connection with its asbestos-related business activities. If so, please state the following as to each such physician:

- (a) The identity of the physician, giving the complete dates and places of employment or service;
- (b) The physician's duties and responsibilities;
- (c) The identity of the company person to whom the physician reported;
- (d) The purpose for which the physician was employed, engaged or retained; and,
- (e) The identity of all documents pertaining to the physician's professional activities involving asbestos and/or individuals exposed to asbestos.

ANSWER: To this defendant's best current knowledge, information and belief, none solely in "connection with its asbestos-related business activities." However, U. S. Gypsum's Chief Medical Officers:

C. A. Hedblom, M.D., 101 South Wacker Drive, Chicago, Illinois, 1974 to present;

W. Highstone, M.D. - 1939 to 1947 (deceased).

In addition, U. S. Gypsum retained or consulted "outside doctors" who provided services to its employees. See attached Exhibit No. 6.

INTERROGATORY NO. 28: Please state whether or not any employee, agent, industrial hygienist, toxicologist, safety director, insurance company, insurance consultant, insurance representative, insurance agency, occupational medical director, physician or consultant in any of the foregoing areas, identified in defendant's answers to these interrogatories, ever made, at any time, any statements, recommendations and/or suggestions to the defendant, defendant's predecessors or defendant's subsidiaries pertaining

to or relating to asbestos or health hazards from dust or any product. If so, state the following as to each such occasion:

- (a) The identity of the person making the recommendation and/or suggestion;
- (b) The date of the recommendation and/or suggestion;
- (c) The identity of all persons who received the recommendation and/or suggestion;
- (d) The substance of the recommendation and/or suggestion; and,
- (e) The identity of all documents and/or oral conversations embodying or pertaining to the recommendation and/or suggestion.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.

INTERROGATORY NO. 29: Please state whether defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever conducted or caused to be conducted any tests (whether laboratory or field tests) on any of their or anyone else's asbestos-containing products to determine potential or likely asbestos exposure levels during conditions of intended use of the product. If so, please state the following as to each such test:

- (a) The identity of the person who directed that the test be conducted;
- (b) The identity of the person or organization who conducted the test;
- (c) Where, when and for how long the test was conducted, including the department of the plant or facility involved, as well as its owner and operator;

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- (d) The product(s) tested and describe the conditions of the test, including the measurements methodology;
- (e) Whatever efforts, if any, were used in the test to simulate the various conditions of possible or probable use of the product, such as in confined spaces or tunnels;
- (f) The asbestos exposure levels measured;
- (g) The identity of the person to whom the test results were reported; and,
- (h) The identity of all documents pertaining to the test.

ANSWER: Objection. This Interrogatory is overbroad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and is not limited to testing with respect to asbestos only, the focus of this litigation. Without waiving this objection, U. S. Gypsum has conducted a number of studies which relate to its asbestos-containing products and which concern various performance parameters of those products.

U. S. Gypsum is aware of tests which were performed to measure the release of asbestos fibers during the mixing and sanding of joint compounds. Said tests were conducted between 1970 and 1973 by this defendant's Research Department, National Loss Control Service Corporation, and Clayton and Associates for the Gypsum Association.

INTERROGATORY NO. 30: Please state whether defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever measured or tested, or caused, or allowed someone else to measure or test the asbestos exposure levels produced when your insulation or asbestos-containing products were removed or torn out from a prior instal-

lation, or after they had degenerated or decomposed from use. If so, please state the following for each such test or measurement:

- (a) The identity of the person who directed that the measurement be conducted;
- (b) The identity of the person or organization who conducted the measurements;
- (c) Where, when, and for how long the measurement was conducted, including the department of the plant or facility involved;
- (d) The product(s) measured and describe the conditions of the measurement, including the measurement methodology;
- (e) The asbestos exposure levels measured;
- (f) The identity of the person to whom the test results were reported; and,
- (g) The identity of all documents pertaining to the test.

ANSWER: Objection. There has been no allegation that this defendant was ever engaged in this asbestos removal business. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 31: Please state whether defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever contacted any insulation contractor or product user and requested the opportunity to measure the asbestos exposure levels created by the use of your asbestos-containing products. If so, please state the following as to each such request:

- (a) The identity of the person making the request;
- (b) The means by which the request was made;
- (c) The insulation contractor, user and/or contractor representative contacted;

(d) The substance of the request presented; and,

(e) The identity of all documents related to the request.

ANSWER: This defendant retained an expert to perform a study at the William A. Duguid Company in Des Plaines, Illinois.

INTERROGATORY NO. 32: Has defendant, defendant's organizational units, predecessors, subsidiaries, affiliated entities or anyone on their behalf ever conducted or financially supported, wholly or in part, any asbestos-related epidemiological, toxicological, animal, medical, and/or scientific tests, reviews, investigations, analyses, research or studies of any kind (hereafter termed "studies")? If so, please state as to each such study:

- (a) The identity of the person who directed or authorized that the study be done;
- (b) The identity of the person or organization that conducted the study;
- (c) The dates and the time period over which the study was done;
- (d) The study design, methodology and protocol utilized;
- (e) The complete results of the study, including any conclusions or recommendations contained therein;
- (f) The identity of all company officials or employees who received notice of the existence of the study and/or its results;
- (g) The identity of all documents relating to the study; and,
- (h) Whether the study was ever published, and, if published, the study title and citation, and, if not, the reason not published.

ANSWER: Objection. This Interrogatory is overbroad in that it is not limited to "studies" concerning asbestos, the focus of this litigation.

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INTERROGATORY NO. 33: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities, ever prepared any form of numerical and/or statistical analysis or study which compares a substantial number of your employees or other persons who have been exposed to asbestos dust and fibers for extended periods and who have developed asbestosis, mesothelioma, lung cancer, heart failure, laryngeal cancer, gastrointestinal cancer and/or non-malignant lung disease or lung impairment? If so, please state the following as to each such analysis:

- (a) The identity of the person who directed or authorized that the study be done;
- (b) The identity of the person or organization that conducted the study;
- (c) The dates and the time period over which the study was done;
- (d) The study design, methodology and protocol utilized;
- (e) The complete results of the study, including any conclusions or recommendations contained therein;
- (f) The identity of all company officials or employees who received notice of the existence of the study and/or its results;
- (g) The identity of all documents relating to the study; and,
- (h) Whether the study was ever published, and, if published, state the study title and citation, and, if not published, state the reason why not.

ANSWER: Not to this defendant's best current knowledge, information and belief.

INTERROGATORY NO. 34: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever contributed any funds, either directly or indirectly through organizational membership fees,

or otherwise, to any form of research concerning asbestos and its possible relation to disease in human beings? If so, please state for each year:

- (a) The amount of money contributed;
- (b) The identity of the person to whom and by whom it was contributed; and,
- (c) The identity of all documents relating to the contribution and/or the research resulting in any way from the contributions.

ANSWER: U. S. Gypsum Company contributed to a study conducted beginning approximately 1936 to Dr. Gardner of the Saranac Laboratory.

INTERROGATORY NO. 35: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever conducted, or financed, wholly or in part, any effort to monitor or review the professional literature regarding the clinical, epidemiological, toxicological, industrial hygiene, medical and/or scientific aspects of asbestos and/or products containing asbestos? If so, please state the following as to each such effort:

- (a) The identity of the person who directed or authorized that the effort be done;
- (b) The identity of the person or organization that conducted the effort;
- (c) The dates and the time period over which the effort was done;
- (d) The design, methodology, and protocol of the effort;
- (e) The complete results of the effort, including any conclusions or recommendations contained therein;
- (f) The identity of all company officials or employees who received notice of the existence of the effort and/or its results;
- (g) The identify of all documents relating to the effort; and,

- (h) Whether the effort was ever published, and, if published, state the effort's title and citation, and, if not published, the reasons why not.

ANSWER: U. S. Gypsum Company contributed to a study conducted beginning approximately 1936 by Dr. Gardner of the Saranac Laboratory.

INTERROGATORY NO. 36: Did defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities at any time, in any way, assist or participate in any of Metropolitan Life Insurance Company's studies of asbestos (conducted approximately between 1929-1940), any Trudeau Foundation/Saranac Lake studies (between 1929-1960), or any Industrial Hygiene Foundation studies (between 1938-1968)? If so, identify each such study in which you were involved and state as to each:

- (a) The role or action you took in regard to the study;
- (b) The identity of all documents related to your involvement in the study;
- (c) The identity of each of your facilities in which any part of the study was conducted, referencing your facility to the data reported in the study; and,
- (d) The identity of each of your officers, supervisors, managers or employees who assisted, participated in, or directed your involvement in the study.

ANSWER: In addition to the study identified in this defendant's response to Interrogatory No. 34 in 1936, U. S. Gypsum Company retained Dr. Leroy U. Gardner of the Saranac Laboratory to conduct an investigation of its Jersey City manufacturing plant.

INTERROGATORY NO. 37: Did defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities at any time receive, have notice of, acquire or possess any advice, publication, statement, warning,

order, directive, letter, memorandum, recommendation or document, written or oral, in any way related to asbestos and health hazards, or which implicitly or explicitly referred to asbestos and health issues. If so, state the following as to each such document and oral conversation, and each such occasion prior to 1984:

- (a) The identity of all documents pertaining to the advice, publication, statement, warning, order, directive, letter, memorandum, or recommendation;
- (b) The identity of all oral conversations pertaining to the opinion that asbestos or asbestos-containing dust may be harmful;
- (c) The nature and exact wording of the advice, warning, statement, etc., or, if unknown, the substance thereof;
- (d) The identity of all employees, officers and directors who received notice of the existence of the document or oral conversation; and,
- (e) The action, if any, that was taken by you as a consequence of the document or oral conversation.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, United States Gypsum Company has been aware since the mid-1930s that inhalation of large quantities of asbestos fibers for long periods of times could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically how it acquired this knowledge. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.

INTERROGATORY NO. 38: Please state whether there exists any letter, memorandum, or other document purportedly either authored by, addressed to,

received by, or found in the possession of any past or present employee, officer or director of defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities which includes any statement, warning, or advice implicitly or explicitly suggesting or recognizing that asbestos or dust from an asbestos-containing product may be harmful or a hazard to health, or in any way relating to asbestos and health. If so, state the following as to each such document:

- (a) The identity of the document;
- (b) The identity of all persons currently in your employ with personal knowledge concerning discovery of the document's existence, or its chain of custody dating back to its creation; and,
- (c) Whether you contest the authenticity of the document and, if so, on what basis you object to its authenticity.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, United States Gypsum Company has been aware since the mid-1930s that inhalation of large quantities of asbestos fibers for long periods of time could product a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically how it acquired this knowledge. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.

INTERROGATORY NO. 39: Please state whether defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever obtained any knowledge concerning either (1) the potential health

hazards of asbestos or (2) the association between the inhalation of asbestos fibers and a lung disease known as asbestosis. If so, please state:

- (a) When any such knowledge was first acquired, how it was acquired, by whom it was acquired and the substance of the knowledge acquired;
- (b) Each such occasion thereafter in which your knowledge of the potential health hazards of asbestos or the association between the inhalation of asbestos fibers and asbestosis increased:
 - (1) when this additional knowledge was acquired;
 - (2) how this additional knowledge was acquired;
 - (3) by whom this knowledge was acquired; and,
 - (4) the substance of the additional knowledge acquired;
- (c) The identity of all documents relevant to your acquisition of knowledge concerning the potential health hazards of asbestos or the association between the inhalation of asbestos fibers and asbestosis; and,
- (d) If any of the foregoing knowledge was acquired through an oral conversation, the identity of each such oral conversation.

ANSWER: See this defendant's response to Interrogatory No. 37.

INTERROGATORY NO. 40: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever implemented any industrial hygiene controls (e.g., exhaust ventilation, closed conveyor systems, etc.), recommended safe working practices (e.g., respiratory protection, spraying fiber with water, bagging scrap material, wet sweeping, etc.) or exposure monitoring program with respect to the exposure of any of its own employees to asbestos fiber? If so, please state as to each such industrial hygiene control, recommended working practice or exposure monitoring program:

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- (a) The substance of the industrial hygiene control, safe working practice or exposure monitoring program;
- (b) The date the activity, program or practice was first implemented, and the years it was in force;
- (c) The mining, milling, manufacturing, contracting or other business operations to which the activity, program or practice applied;
- (d) The specific mining, milling, manufacturing, contracting or other plant or facilities in which the activity, program or practice was actually carried out;
- (e) The means by which employees were informed of the need for the activity, program or practice and, if by writing, the identity of all such documents;
- (f) The identity of all persons involved in the decisions to implement the activity, program or practice and, in particular, the identity of the prime decision-maker; and,
- (g) The identity of all documents relating to the activity, program or practice.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 41: With regard to any industrial hygiene controls, safe working practice or exposure monitoring listed in defendant's answers to the preceding interrogatory, has defendant ever been compelled or requested to institute any of these by either labor unions, employees or some type of government body? If so, please describe in detail the date, place and circumstances of each such compulsion or request and identify all documents relevant thereto.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is

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overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 42: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever supplied any form of respirator or face mask to any of its employees to protect against asbestos fiber? If so, please state as to each group of employees who were provided respirators or masks:

- (a) Specifically what employees were provided respirators or masks (e.g., manufacturing employees, insulation applicators, warehousemen, miners, mill workers, etc.);
- (b) When the respirators or masks were first provided and during which years;
- (c) The type of respirator or mask provided (e.g., disposable paper mask, disposable cloth filter type, half facepiece cartridge respirator, full facepiece cartridge respirator, airline supplied respirator, self-contained positive pressure breathing apparatus, etc.) as well as its model and the identity of its manufacturer;
- (d) The specific working conditions under which it was recommended or employees were suggested or required to use the mask or respirator;
- (e) Whether mask or respirator usage was mandatory or optional;
- (f) Whether any warnings or working instructions were provided to employees working with or around products containing asbestos, and, if so, the substance of those warnings or instructions and whether they were written or oral;
- (g) The mining, milling, manufacturing, contracting and other plants or facilities at which respirators or face masks were provided;
- (h) The identity of all persons involved in the decisions to provide respirators or face masks, and in particular the identity of the prime decision-maker; and,

- (i) The identity of all documents relating in any way to respirators or face masks.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 43: Have any employees of defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever been subject to some form of asbestos-related periodic medical examination which included pulmonary function testing or radiographic examinations. If so, please state:

- (a) Specifically what types of workers were tested (e.g., plant workers with greater than ten years of employment);
- (b) The years and frequency during which medical examinations were conducted;
- (c) Who performed the examinations and where were they conducted;
- (d) What tests or procedures were performed;
- (e) The identity of all physicians and medical facilities that read the chest X-rays;
- (f) The number of employees who were tested each year since 1930 and, on average, the number of years of exposure to asbestos these employees had prior to each year's testing;
- (g) The identity of each employee reassigned, pensioned or otherwise affected as a result of a medical examination revealing a lung abnormality;
- (h) The number of diagnosed or suspected cases of asbestosis, lung fibrosis, or lung cancer revealed per year from 1930 to the present; and,

- (i) The identity of all documents relating to the examination program, including documents reflecting any abnormal results found by the medical examinations.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 44: For those products set out in response to these interrogatories, please state the first year in which you claim that some form of caution, warning, or hazard statement or explanation involving asbestos appeared on each such product or its packaging. For all such products, please provide the following information as to each caution, warning or hazard statement or explanation involving asbestos alleged to have been placed on the products or packaging:

- (a) The precise wording of the caution, warning, hazard statement or explanation;
- (b) The location on the product or packaging of the caution, warning, hazard statement or explanation and the size and color of the lettering;
- (c) Whether the wording or its presentation has ever been altered and, if so, how and when;
- (d) The years during which each version of a caution, warning or hazard statement appeared on the product;
- (e) The identity of all persons involved in the decision to affix each version of the caution, warning or hazard statement to a product or its packaging and, in particular, the identity of the prime decision-maker;
- (f) The identity of all documents related in any way to each caution, warning or hazard statement; and,
- (g) When you first gained knowledge that the product could be dangerous and the identity of all sources of this knowledge and all employees or officers who gained this knowledge.

ANSWER: The following appeared on joint compound packaging, consistent with proposed OSHA standards, in 1972, on textures in 1973, and on an industrial gypsum plaster product in 1975:

Caution: Contains Asbestos Fibers. Avoid Creating Dust. Breathing Asbestos Dust May Cause Serious Bodily Harm.

Additionally, the following was imprinted on joint compound packaging in approximately 1974:

Observe the following precautions: Wet sanding or sponging finished joints is recommended rather than dry sanding to avoid creating dust. If dry sanding, mixing, or otherwise working in a dusty atmosphere containing this material, ventilate, use dust collector, or wear eye protection and a respirator approved by the Bureau of Mines, or NIOSH, to remove nuisance dust.

Concerning SprayDon, a product sold and distributed by Sprayon Research Corporation, manufactured by U. S. Gypsum according to that company's specifications, the following appeared on SprayDon bags in approximately June 1966.

Contains Asbestos

The following appeared on SprayDon in subsequent years.

Caution: This product contains asbestos. (1968)

Caution: This product contains asbestos, which may be harmful to lungs if inhaled. (1969)

INTERROGATORY NO. 45: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever placed any form of package insert or informative brochure in a container of an asbestos-containing product explaining the hazards of asbestos? If so, state as to each such insert or brochure:

(a) When it was first placed in containers and for which years thereafter;

- (b) What products had the insert or brochure included within their packaging;
- (c) The size, shape, color and text of the insert or brochure;
- (d) The identity of all persons involved in the decision to include the insert or brochure; and,
- (e) The identity of all documents related to the insert or brochure, including the insert or brochure itself.

ANSWER: See this defendant's response to Interrogatory No. 44.

INTERROGATORY NO. 46: State whether any of your distributors and/or customers were provided with any instructions in regard to the asbestos hazards presented by the use of defendant's asbestos-containing products. If so, please state:

- (a) By whom and when these instructions were made;
- (b) The specific instructions provided;
- (c) The identity of all oral communications and documents related to these instructions; and,
- (d) To whom and when those instructions were made.

ANSWER: See this defendant's response to Interrogatory No. 44.

INTERROGATORY NO. 47: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product for later use by the worker who would handle the product? If so, please state:

- (a) The products covered by this practice;
- (b) The year this practice began and the years it was implemented;

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- (c) The type of face mask or respirator included in the container; and,
- (d) The identity of all documents related to this practice.

ANSWER: Not to this defendant's best current knowledge, information and belief.

INTERROGATORY NO. 48: Please state whether any document existed that suggests or indicates that someone discussed, considered or recommended that:

- (a) Some form of caution, warning or hazard statement or explanation involving asbestos be placed on an asbestos-containing product or its packaging;
- (b) Some form of a package insert or informative brochure be placed in a container of an asbestos-containing product explaining the hazards of asbestos;
- (c) Some form of industrial hygiene controls be implemented or safe working practices for asbestos exposure be suggested; or,
- (d) Disposable face masks or respirators be placed in a container of an asbestos-containing product.
- (e) If so, identify each such document.

ANSWER: Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.

INTERROGATORY NO. 49: Has defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities at any time, published and/or distributed any sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents of any kind or character? If so, please:

- (a) Identify each such document;
- (b) State the first year, if ever, such sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales material or documents began to contain some form of warning concerning the health hazards of asbestos-containing products; and,
- (c) State for what period of time you published and/or distributed sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents without any form of warnings, cautions, hazard statements or explanations concerning asbestos.

ANSWER: U. S. Gypsum maintains no central repository for the accumulation of the requested information in the ordinary course of business. Documents that have already been identified and gathered to respond to discovery requests in other litigation and that relate to products which plaintiff can establish are relevant to this litigation, will be made available for inspection at a mutually convenient time through U. S. Gypsum's offices at 101 South Wacker Drive, Chicago, Illinois, pursuant to a properly filed request to produce.

INTERROGATORY NO. 50: If you advertised any of your asbestos-containing products in newspapers, magazines, or other publications at any time, please state for each such advertisement:

- (a) The name of the publication in which it appeared, including the date and page number;
- (b) A complete transcript of the advertisement and a description of any pictures accompanying it;
- (c) The name and address of the person or agency that was responsible for approving each such advertisement;
- (d) The name and address of whoever has current custody of the above-described advertising literature; and,
- (e) The identity of all documents relating to such advertisements.

ANSWER: See this defendant's response to Interrogatory No. 49.

INTERROGATORY NO. 51: Has any written material of any kind or character been prepared by defendant or its agents indicating how insulating or asbestos-containing products should be used, applied, installed, and maintained? If so, please state as follows:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of defendant's products
- (d) For each named product, did you claim the product to be either safe, effective and/or easy to handle? If so, identify each document which so states; and,
- (e) For each such claim identified in (d) above, did you specifically inform the purchaser or user of your product(s) during the same time period that your products(s) could cause cancer, asbestosis and other serious diseases? If so, identify each document which so states.

ANSWER: This defendant does not maintain examples of actual packaging in the normal course of business. The information requested by this Interrogatory may be derived from U. S. Gypsum Company's product instructions for the types of asbestos-containing products which it did manufacture, and the burden of deriving the information is substantially the same for the party serving the Interrogatory as for U. S. Gypsum. Accordingly, U. S. Gypsum will afford plaintiff the opportunity to examine records as to those products which plaintiff can establish were relevant to the subject matter of this lawsuit, at a mutually convenient time at 101 South Wacker Drive, Chicago, Illinois 60606.

INTERROGATORY NO. 52: After defendant became aware of the adverse health consequences of the inhalation of asbestos dust and/or asbestos fibers, what changes, if any, did defendant make in its manufacturing processes, product composition, work rules, safety rules, hygiene practices, etc., to reduce the dangers from asbestos to its employees. Please include in your description of such changes the following information:

- (a) The identity of the employees, officers and/or directors upon whose authority or directive the changes were made;
- (b) The identity of all management representatives who were consulted about, or involved in, the process of making such changes;
- (c) The identity of each study, recommendation, report or other document which affected the changes; and,
- (d) The date of each and every change, describing the substance of the change.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 53: Did defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities receive notice at any time that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold and/or used by you? If so, please state as to each such claim:

- (a) The name and address of the claimant;
- (b) The date of notice of the claim;
- (c) A description of the claim including the type of exposure experienced by the claimant (e.g., mining, milling, manufacturing, insulating, etc.);

- (d) The type of injuries allegedly sustained;
- (e) The name and address of the attorney representing the individuals making the claim;
- (f) The caption and court or workers' compensation file number of the claim;
- (g) The resolution of the claim; and,
- (h) The identity of all documents relating to the claim.

ANSWER: The first product liability lawsuit filed against this defendant alleging asbestos-related disease was filed in 1975.

Objection. This Interrogatory is overbroad, unduly burdensome, irrelevant, immaterial and will not lead to the discovery of admissible evidence. Without waiving this objection, this defendant will make available to plaintiff for his inspection and review, copies of asbestos-related personal injury complaints filed against U. S. Gypsum Company. Said documents will be made available to plaintiff at a mutually convenient time through U. S. Gypsum's offices at 101 South Wacker Drive, Chicago, Illinois 60606, pursuant to a properly filed request to produce.

INTERROGATORY NO. 54: Please state whether any employees of defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities has ever made a claim for asbestosis, mesothelioma, bronchogenic carcinoma, gastrointestinal cancer, and/or cancer of the colon or rectum under the Occupational Disease or Workers' Compensation statute of any state. If so, state:

- (a) The date that you first received notice of claims involving the above diseases;
- (b) The date that you first received notice of claims by an insulator and/or pipe coverer involving the above diseases;

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- (c) The identity of all documents relating to these claims;
- (d) The total number, on an annual basis since 1930, of employees of defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities who have received benefits under any Occupational Disease or Workers' Compensation statute for each of the following diseases:
 - (1) asbestosis;
 - (2) mesothelioma;
 - (3) bronchogenic carcinoma;
 - (4) cancer of the colon or rectum;
 - (5) any other gastrointestinal tract cancer; and,
 - (6) other nonmalignant respiratory disease;
- (e) The total dollar amount, on an annual basis since 1930, paid out by defendant, defendant's organizational units, predecessors, subsidiaries, affiliated entities, and/or your insurance carriers as a result of claims under any Occupational Disease or Workers' Compensation statutes for asbestosis, mesothelioma, bronchogenic carcinoma, cancer of the colon or rectum, gastrointestinal tract cancer, and/or other forms of asbestos-related claims.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 55: Has defendant, defendant's subsidiaries ever had a division or business unit which installed insulating materials on a contract by contract basis (hereinafter "contract unit")? If so, state as to each such contract unit:

- (a) Where the contract unit was based and the years of its operations;
- (b) The identity of the principal managers of the contract unit since 1930;

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- (c) The geographical area serviced by the contract unit;
- (d) The average number of insulators employed by the contract unit in each year of its operation;
- (e) Any established rules, regulations and/or work practices which were to be followed by employees in the contract unit;
- (f) Whether any employees in those contract units were ever required to wear respirators? If so, please state:
 - (1) Whether the requirement was by written regulation or oral direction;
 - (2) The names of the people in your firm originating such a requirement and/or in charge of enforcing it;
 - (3) The date the requirement was imposed for the first time; and,
 - (4) The identity of all documents relating to respirator usage;
- (g) Whether former employees of your contract units have ever filed Workmens' Compensation claims due to lung or coronary illness? If so, for each such claim, state:
 - (1) The date, jurisdiction and docket number;
 - (2) The illness or disease claimed;
 - (3) The resolution of the claim; and,
 - (4) The names of the co-respondents;
- (h) The identity of all documents relating to such contract units.

ANSWER: Prior to 1940, a group within U. S. Gypsum's corporate structure was engaged in contracting. It is unknown whether said group formally was a "division" or "unit", as no documents have been located from which to verify this information. U. S. Gypsum has no further information.

INTERROGATORY NO. 56: Have you ever purchased any asbestos fiber from Carey Canadian Mines, Ltd., Carey Canada, Inc., Quebec Asbestos Corp., Celotex Corp., or any of their predecessors? If so, please state:

- (a) The company who supplied the fiber and the time frame within which the fiber was supplied;
- (b) The type and grade of asbestos and the form and amounts;
- (c) To which of your factories the shipment was made;
- (d) The products/items manufactured from the asbestos;
- (e) Whether Carey Canadian Mines, Ltd., etc., ever warned or otherwise cautioned or instructed regarding the dangerous propensities of their asbestos or the manner in which it should be used. If so, state:
 - (1) When such warnings were received;
 - (2) In what form such warnings were received;
 - (3) To whom such warnings were addressed; and,
 - (4) Whether you presently have copies of such warnings; and,
- (f) The identity of all documents relating to such purchases.

ANSWER: The following are known to have been approved suppliers of asbestos: Canadian Johns-Manville, Lake Asbestos of Quebec, Nicolet Industries, Carey Canadian, Asbestos Corporation, Atlas Asbestos, Union Carbide, Pacific Asbestos, Keasby and Mattison and Johnson Mines. Atlas Asbestos and Pacific Asbestos shipped only to California. U. S. Gypsum Company also purchased small amounts of asbestos from North American Asbestos for a short period of time. It is unknown which source of supply was used for each particular product, at which mines the raw asbestos was mined, and from which locations the raw asbestos was shipped.

INTERROGATORY NO. 57: Please state whether defendant has had any contact or involvement of any kind with any other member or representative

of any aspect of the asbestos producing or consuming industry concerning any aspect of asbestos and health. If so, please state the following as to each such contact:

- (a) The identity of the company, trade association and/or individual involved in the contact;
- (b) The manner in which this third party was involved with the asbestos producing or consuming industry (e.g., a manufacturer of insulation materials, a user of asbestos fiber for filtering products, etc.);
- (c) The date of the contact, the subject matter discussed, the identity of all individuals involved, both on behalf of you as well as the third party;
- (d) All requests made to you by the third party and vice versa; and,
- (e) The identity of all documents relating to the contact.

ANSWER: Objection. This Interrogatory is vague, ambiguous, overbroad and unduly burdensome.

INTERROGATORY NO. 58: Please state whether defendant, defendant's organizational unit, predecessors, subsidiaries, or affiliated entities have ever been a member of any of the following industry associations, organizations, foundations, institutes, or other business groups (or group with similar name) and identify the organization or group.

- (1) Industrial Health Foundation (or one of its predecessors);
- (2) Asbestos Textile Institute;
- (3) Asbestos Information Association of North America;
- (4) National Mineral Wool Producers Association;
- (5) Asbestos Cement Pipe Producers Association;
- (6) Magnesia Insulation Manufacturers Association;
- (7) American Industrial Hygiene Association;

- (8) Brake Lining Manufacturers Association;
- (9) Friction Materials Standards Institute, Inc.;
- (10) Asbestos Brake Lining Manufacturers Institute;
- (11) Quebec Asbestos Mining Association;
- (12) Institute of Occupational and Environmental Health of Quebec Asbestos Mining Association;
- (13) American Society for Testing and Materials;
- (14) Grinding Wheel Institute;
- (15) Trudeau Foundation;
- (16) National Safety Council;
- (17) National Insulation Manufacturers Association; or,
- (18) The Refractories Institute.

For each such group, association, foundation, institute, or organization in which you indicated membership, please state the following:

- (a) The name and address of the group;
- (b) The years during which you were a member;
- (c) The names or titles of any minutes, bulletins, publications or other documents published by or written by the group during the period of your membership and the frequency of such publications or documents;
- (d) Which of the foregoing publications, minutes, bulletins or other documents were sent to members during the period of your membership;
- (e) The identity of all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership; and,
- (f) The identity of each past or present employee, officer or director of defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities who, before or during his employment or association with you, was a member of, or active in any of the groups listed in the preceding interrogatory and state the group and period of activity as to each such person.

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ANSWER:

- (a-e) See attached Exhibit No. 7. Also, this defendant received a pamphlet entitled "Recommended Practices for Fabrication, Handling and Applying Asbestos-Cement Products in the Building and Construction Industries" from the Health and Safety Council - Asbestos Cement Products Association, 1970. Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.
- (f) Objection. This defendant objects to this Interrogatory in that information pertaining to this defendant's employees' activities before his employment with this defendant is overbroad, unduly burdensome, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, see attached Exhibit No. 7.
- (g) Non-privileged, responsive documents, to the extent they exist, will be made available to plaintiff at a mutually convenient time through U. S. Gypsum Company's offices at 101 South Wacker Drive, Chicago, IL.

INTERROGATORY NO. 59: Please identify each medical, scientific or technical periodical, journal or publication to which defendant, defendant's organizational unit, predecessors, subsidiaries, or affiliated entities ever subscribed. Please state the following as to each such periodical, journal or publication:

- (a) The title of the publication, journal or periodical;
- (b) The years during which you received it;
- (c) The office, department and/or person who received it; and,
- (d) Whether you still possess a copy of the periodical, journal or publication and, if so, identify its current custodian and the years and issues still possessed.

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ANSWER: Objection. This Interrogatory is overbroad and unduly burdensome. If plaintiff will identify the medical, scientific or technical

periodical, journal or publication in which he is interested, this defendant will attempt to ascertain whether or not the publication is in its library.

INTERROGATORY NO. 60: Please identify each book, medical or scientific article, or other publication in any manner relating to occupational medicine, dust diseases, lung diseases and/or asbestos and health obtained at any time by defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities. Please state the following as to each such book, medical or scientific article or other publication:

- (a) The title of the book, article or other publication;
- (b) Approximately when was it obtained;
- (c) Identify the person, office, department and/or location that received it; and,
- (d) Whether you still possess a copy of it, if so, identify its current custodian.

ANSWER: Objection. This Interrogatory is overbroad and unduly burdensome. If plaintiff will identify each book, medical or scientific article, or publication in which he is interested, this defendant will attempt to ascertain whether or not the publication is in its library.

INTERROGATORY NO. 61: Please state whether defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities ever maintained any form of library or collection of books, publications and other written materials. If so, state the following as to each such library or collection of written materials:

- (a) The original location of the library, including the building in which it was located;
- (b) The years during which the library was in operation;

- (c) The offices, plant facilities, departments or other organizational units serviced by the library;
- (d) Identify each custodian of the library or librarian as well as the years of his service as librarian;
- (e) The extent to which the library contained books or publications pertaining to occupational medicine, dust diseases and/or lung diseases;
- (f) The extent to which the library contained books or publications pertaining to industrial hygiene or toxicology;
- (g) The extent to which the library contained books or publications pertaining to asbestos and health;
- (h) Identify each card catalog, index of publications or other form of listing of documents, contained in the library, which still exists;
- (i) The extent to which the library's collection of written materials still exists and, if so, identify the current custodian of these documents; and,
- (j) State the title and date of issue of each book, publication or other written material contained in the library pertaining to asbestos and health, as well as the year acquired by the library.

ANSWER: U. S. Gypsum maintains two libraries, neither of which deals specifically with industrial hygiene, medicine, safety or engineering. Individual employees of this defendant may maintain personal files on specific subjects.

If the plaintiff will identify the articles, journals or periodicals in which it is interested, U. S. Gypsum will attempt to ascertain whether or not the publication is in its library.

Librarians at 101 South Wacker Drive, Chicago, IL 60606:

M. Morrissey	Unknown
M. Dorigan	Unknown - 6/30/74
N. Nwerdyke	8/20/74 - 5/29/80
C. Crabtree	1/80 - 11/80
P. A. Julien	9/80 - 9/84
S. Gerrity	9/84 - 4/89

Research librarian:

M. Ehrmann	1961 - 9/87
S. Beardsley	9/87 - present
M. MacKinnon	10/88 - present

Investigation is continuing.

INTERROGATORY NO. 62: Please state whether the defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities was ever a member of, or directly or indirectly funded or contributed to, any library containing medical literature, other than the libraries discussed in the preceding interrogatory. If so, state the following as to each such library:

- (a) The name of the library and its location;
- (b) The years during which you were a member;
- (c) The nature of the financial or other support provided by you to the library and the years of this support;
- (d) The services available to you as a consequence of your membership or support;
- (e) The identity of all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership;

- (f) The identity of each past or present employee, officer or director of Defendant, Defendant's organizational units, predecessors, subsidiaries, or affiliated entities who, before or during his employment or association with you, was a member of, or active in, any of the groups and period of activity as to each such person; and,
- (g) Identify all agreements, oral or written, between you, any of the other defendants in this lawsuit, and/or any of the organizations, associations or other entities identified above or any medical or scientific foundations, relating to the standardization of:
 - (1) Specification for asbestos cloth products;
 - (2) Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
 - (3) Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
 - (4) Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;
 - (5) Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products; and,
 - (6) Medical programs to be offered or sponsored by defendants.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection:

- (a) John Crerar Library, University of Chicago, 5730 South Ellis Avenue, Chicago, Illinois 60637.
- (b) March 1951 to the present.
- (c) United States Gypsum Company has been a corporate member and has paid annual corporate membership dues.
- (d) As a corporate member, United States Gypsum Company has access to the library's collections and services.

INTERROGATORY NO. 63: Identify all insurance companies which have provided defendant, defendant's organizational units, predecessors, subsidiaries, or affiliated entities Workmen's Compensation insurance since 1930. For each such policy, state the dates, years, and policy periods for which each company provided such coverage; the terms of each such policy; the identity of all present or past employees of yours principally responsible for coordination with these carriers as well as the specific years of their responsibility.

ANSWER: Objection. There has been no allegation that plaintiff was ever an employee of this defendant. Therefore, this Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 64: Please state whether there is now or has ever been any policies or agreements of insurance under which any person, firm, corporation, or company carrying on an insurance business might be liable (1) to satisfy part or all of any judgment which may be entered in this action or (2) to indemnify or reimburse for payments made to satisfy the judgment, and, if so, for each policy or agreement, please state:

- (a) The name and address of each insurer;
- (b) The name and address of each insured;
- (c) The number of the policy;
- (d) The effective dates thereof;
- (e) The nature of the coverage;
- (f) The limits of liability; and,
- (g) The name and address of the custodian of the policy.

ANSWER: See attached Exhibit No. 8.

INTERROGATORY NO. 65: Have you provided notice to any insurance company of service of this lawsuit? If so, please state the date upon which notice was given and the person or agency to whom it was provided.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, see this defendant's response to Interrogatory No. 64.

INTERROGATORY NO. 66: Have you tendered the defense of defendant in this lawsuit to any carrier?

- (a) If so, is a defense being provided to you at the expense of such carrier?
- (b) If not, please define, with sufficient particularity to support a request for production, the date upon and manner in which you were notified of the declination of your defense.
- (c) If a defense is being provided to you by an insurer, please state whether or not you are being defended pursuant to a reservation of rights.

ANSWER: Objection. This Interrogatory is overbroad, irrelevant, immaterial, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, see this defendant's response to Interrogatory No. 64.

INTERROGATORY NO. 67: Other than any insurance policies previously listed above, are you now or have you ever been an indemnitee under any contract or agreement providing for your indemnification for any claims or judgments of personal liability or property damage arising after 1965? If the answer to this interrogatory is in the affirmative, please state:

- (a) The name and address of the indemnitor;

Franklin Park, Illinois

Northwest Medical Clinic LTD.
L. Devira, M.D.
Franklin Park Medical Center
V. Oelrich, R.N.

Rosemont, Illinois

O'Hare Industrial Clinic
Fahey Medical Center
Rush Presbyterian - St. Lukes Occupational
Health Center

Galena Park, Texas

J. Nichols, M.D.
Deaton Clinic

Sigurd, Utah

T. D. Bard, M.D.
R. E. Noyes, M.D.
R. N. Malouf, M.D.
J. G. McGuarrie, M.D.
G. A. Buchanan, M.D.
J. B. Cluff, M.D.

Genoa, Ohio

E. D. Schuiteman

Norfolk, Virginia

E. R. Altizer, M.D.
W. H. Whitmore, M.D.
G. A. Duncan, M.D.
F. Walter, M.D.
A. A. Burke, M.D.
R. L. Payne, M.D.
J. L. Rosenthal, M.D.
P. B. Parsons, M.D.
J. Sakakini, M.D.
K. Jones, M.D.
V. H. Ober, M.D.
Dr. Albanese
J. Foster, M.D.
G. G. Hollins, M.D.
Dr. Labstein
J. M. Ratliff, M.D.
J. A. Vann, M.D.
C. B. Trower, M.D.
R. W. Adams, M.D.
R. R. Powell, M.D.
C. Pole, M.D.
G. A. Duncan, M.D.

Norfolk, Virginia (continued)

D. C. Pryor, M.D.
E. A. Buchan, M.D.
Dr. Kuehn

Santa Fe Springs, California

J. W. Raber, M.D.
Raber Industrial Medical Group

Morrow, Georgia

N. Bateman, M.D.

Stony Point, New York

Dr. Borsinger
Dr. Natelson
Dr. Zuka
Nyack Hospital

Sperry, Iowa

H. M. Patterson, D.O.
J. F. Roules, M.D.
Burlington Medical Center

Wabash, Indiana

F. Whistler, M.D.
R. M. LaSalle, Jr., M.D.
R. M. LaSalle, Sr., M.D.
R. M. LaSalle, M.D.
W. D. Boaz, M.D.
P. Ferguson, M.D.
F. Smyrniotis, M.D.
J. E. Haughn, M.D.
LaSalle Clinic

Baltimore, Maryland

C. C. Chiu, M.D.
F. G. Mainolfi, M.D.
Fort Medical Center

North Kansas City, Missouri

Industrial Clinic North
Fairfax Industrial Medical Clinic

New Orleans, Louisiana

B. Pardue, M.D.
J. Dean, M.D.
Downman Road Clinic

Southard, Oklahoma

R. Richardson, M.D.
R. Kirby, M.D.
T. Perry, M.D.
R. Tavlin, M.D.
K. Godfrey, M.D.
R. McLauchlin, M.D.
M. Carter, M.D.
C. H. Williams, M.D.
B. D. Dotter, M.D.
F. Crowe, M.D.
D. Lagan, M.D.
G. Worcester, M.D.

Warren, Ohio

R. Willoughby, M.D.

Birmingham, Alabama

Thuss Clinic

W. G. Thuss, M.D.
R. J. Smith, M.D.

Union City, Tennessee

J. H. Ragsdale, M.D.
R. E. Clendenin, M.D.
R. G. Latimer, M.D.
J. K. Avery, M.D.
L. W. Jones, M.D.
H. Butler, M.D.
J. Cambell, M.D.

Doctor's Clinic of Union City

Alabaster, Michigan

J. J. Austin, M.D.
H. Brinkman, M.D.
M. E. Field, M.D.
J. R. Gehman, M.D.
J. W. Grigg, M.D.
M. Gueramy, M.D.
H. R. Hess, O.D.
J. E. Jaques, M.D.
L. Kelley, M.D.
V. W. Kershul, M.D.
L. A. Lambert, M.D.
L. A. Laporte, M.D.
O. W. Mitton, M.D.
R. Morin, M.D.
N. Payea, M.D.
R. J. Ruda, M.D.
G. L. Schaiberger, M.D.

Alabaster, Michigan (continued)

J. M. Schuele, M.D.
R. L. Sutton, M.D.
Z. E. Taheri, M.D.
W. Williams, M.D.

Kearny, New Jersey

Plant closed
J. Borino, M.D.
J. Grund Fest, M.D.

Boonton, New Jersey

Acquired 1985

Camden, New Jersey

Plant closed
A. Marks, M.D.
Occupation Health Services

Trenton, New Jersey

Plant closed
P. Albert, M.D.
Helene Fuld Medical Center

Paulsboro, New Jersey

Acquired 11/30/87

New Brighton, New York

Plant closed
H. Crane, M.D.
F. Tellefsen, M.D.
E. Morris, M.D.
Saint Vincent's Hospital
Staten Island Hospital

Port Reading, New Jersey

Acquired 6/76

Fremont, California

Acquired 1983

Philadelphia, Pennsylvania

Plant sold

Convers, Georgia

Acquired 12/10/80

Mansfield, Texas

Acquired 8/81

Spruce Pine

Acquired 5/12/79

LaMirada, California

Acquired 6/81

U.S. Gypsum has no information on medical personnel for the plants at Jersey City, NJ; St. Paul, MN; Midway, IL; South Plainfield, NJ; Midland, CA; Heath, MT; Loveland, CO; Milwaukee, WI; Nephi, UT; and Philadelphia, PA, which are now closed. In addition, no record information is available for Plaster City, CA. U.S. Gypsum has no information for the plant at Red Wing, MN for years prior to 1985. U.S. Gypsum owned Red Wing in the mid-1960s prior to selling the plant to Conwed Corporation, and USG Acoustical Products, Company (now USG Interiors, Inc.) reacquired the facility in late 1985.

The following represents this defendant's best current information:

<u>ORGANIZATION</u>	<u>DATES OF MEMBERSHIP</u>	<u>HEALTH HAZARDS OF ASBESTOS DISCUSSED AT MEETINGS ATTENDED BY UNITED STATES GYPSUM COMPANY PERSONNEL</u>	<u>DOCUMENTS AVAILABLE TO UNITED STATES GYPSUM COMPANY</u>
Gypsum Association	1930-present	Asbestos discussed at all of the following: <u>Membership meetings:</u> 10/27/71 - 10/28/71 - E. W. Duffy, W. W. Holloway, A. J. Watt 4/5/72 - J. H. Crumbaugh, A. R. Rump, C. G. Gramor, A. J. Watt, M. L. Hepsher, W. W. Holloway 4/4/73 - J. S. Bush, W. W. Holloway, A. J. Watt, C. G. Gramor, J. D. May, J. J. McLaughlin 10/10/73 - 10/12/73 - W. W. Holloway, A. J. Watt <u>Safety Committee Meetings:</u> 9/20/66 - P. D. Fix, G. R. Krug 9/17/67 - C. P. Kipp 3/19/68 - 3/20/68 - G. R. Krug 10/25/71 - W. E. Halley, J. D. Cornell, J. M. Rochers 9/19/73 - J. D. Cornell 3/7/74 - J. D. Cornell, M. R. Helton 8/14/74 - J. D. Cornell <u>Manufacturing & Mining Committee:</u> 4/3/73 - W. W. Holloway, H. D. Gobrecht	Minutes of meetings, but these documents are not in this defendant's files - produced to this defendant in litigation by Gypsum Association. This defendant does not know if such individuals actually attended meetings listed in documents produced to this defendant by Gypsum Association in other litigation. Also, some test results are in this defendant's files.

HEALTH HAZARDS OF ASBESTOS
DISCUSSED AT MEETINGS
ATTENDED BY UNITED STATES
GYPSUM COMPANY PERSONNEL

DOCUMENTS AVAILABLE TO
UNITED STATES GYPSUM
COMPANY

Gypsum
Association
(cont.)

DATES OF
MEMBERSHIP

Manufacturing & Mining Committee:

4/9/74 - W. W. Holloway

10/8/74 - W. W. Holloway,
H. D. Gobrecht

8/10/76 - J. D. Cornell,
K. E. Mohler, W. Lewis

Technical Committee:

2/14/73 - 12/16/73 -
J. H. Crumbaugh

8/1/73 - 8/3/73 -
J. H. Crumbaugh, A. L.
Hampton, R. L. Selbe

11/73 and 1/74 - unknown

2/13/74 - 2/15/74 -
J. H. Crumbaugh

8/7/74 - 8/9/74 -
J. H. Crumbaugh,
R. L. Selbe

Board of Directors:

4/5/73, 10/12/73 -
A. J. Watt

Industrial
Health
Foundation
(But not
Industrial
Hygiene
Foundation)

1974-1981
(budget cut-
backs forced
United States
Gypsum
Company
to drop
membership)

No business meetings

Some "discussionals"

Asbestos was discussed at
the following meetings:

Introduction to Industrial Hygiene
Asbestos Sampling
Chemicals for Industrial Hygiene
C. Roe 1978-1979

Toxicology Chemicals and Engineering
S. H. Berning - 1/10/79 - 1/21/79

Industrial Hygiene Digest
Monthly Abstracts -
1/74 - 12/81 (JDC's)

Annual Business Reports
(JDC's)

<u>ORGANIZATION</u>	<u>DATES OF MEMBERSHIP</u>	HEALTH HAZARDS OF ASBESTOS DISCUSSED AT MEETINGS ATTENDED BY UNITED STATES GYPSUM COMPANY PERSONNEL	DOCUMENTS AVAILABLE TO UNITED STATES GYPSUM COMPANY
		Industrial Hygiene Techniques Update, Advanced Industrial Hygiene S. H. Berning - 11/12/79 - 11/14/79 Seminar Regarding Industrial Health J. D. Cornell - 6/8/75 - 6/9/75 Other personnel involved: J. D. Cornell, S. H. Berning, K. S. Freeman, C. Roe	
Lime Association	exact date unknown	unknown	none
*National Insulation Manufacturers Association (Founded in 1958) (Now TIMA) Thermal Insulation Manufacturers Association	1973-1974 1974-present	unknown none	Minutes produced in other litigation (Wm. Simpson deposition) (1958-?) Some mass correspondence letters regarding committees J. D. Cornell was on - health and safety, public information, medical and scientific dated 1978 to the present.
National Insulation Contractors Association (Associate Member)	unknown (perhaps 1972-present?)	none	NICA by Laws dated 1975; NICA's 1981 Annual Report.
National Safety Council	1914-present	none	Transactions from 1912-1978 records of all presentations and papers produced at Phillip E. Schmidt, deposition and document production April 17, 1984, in <u>Neil Woods</u>
National Mineral Wool Association	1943?-1957 mid-1960's mid-1970's	none	none

<u>ORGANIZATION</u>	<u>DATES OF MEMBERSHIP</u>	<u>HEALTH HAZARDS OF ASBESTOS DISCUSSED AT MEETINGS ATTENDED BY UNITED STATES GYPSUM COMPANY PERSONNEL</u>	<u>DOCUMENTS AVAILABLE TO UNITED STATES GYPSUM COMPANY</u>
*Contracting Plaster and Lathers International (Associate Member)	1960-1969	none	Some documents in M. V. Cook's and J. Edwards' files
*International Association Wall and Ceiling Contractors (Associate Member)	1970-1976	none	Some documents in M. V. Cook's and J. Edwards' files
*Gypsum Drywall Contractors International (Associate Member)	1960-1976 unknown	none	Some documents in M. V. Cook's and J. Edwards' files
*Association Wall and Ceiling Contractors Industries International - Gypsum Drywall Contractors International (Associate Member)	1976-1979	none	Some documents in M. V. Cook's and J. Edwards' files
*Association of Wall and Ceiling Contractors Industries International	1980-present	none	
American Society of Safety Engineers	exact dates unknown	unknown	none
American Industrial Hygienists Association	exact dates unknown	unknown	none

<u>ORGANIZATION</u>	<u>DATES OF MEMBERSHIP</u>	<u>HEALTH HAZARDS OF ASBESTOS DISCUSSED AT MEETINGS ATTENDED BY UNITED STATES GYPSUM COMPANY PERSONNEL</u>	<u>DOCUMENTS AVAILABLE TO UNITED STATES GYPSUM COMPANY</u>
Employing Plasterers Association (Associate Member)	present	unknown	none
Metal Lath Association	1950's-1964	unknown	none
Pulp and Paper Institute	1950's-1964	unknown	none
Hardboard Association	1950's-1964	unknown	none
Health and Safety Council of Asbestos Cement Products Association	1967?-1971?	G. R. Krug - 11/19/68 C. P. Kipp (deceased) or L. A. Tobey (deceased) 2/17/70; 2/18/70; 3/19/70; 5/19/70; 11/19/70	November 21, 1968 memo from Krug to Kipp re: meeting and various minutes from other meetings.
Asbestos Information Association of North America Unknown if a member.	not a member	none	none
National Bureau of Standards	not a member	1978 - J. D. Cornell, K. S. Freeman (retired) Rockville, MD, jointly sponsored by NBS and NIOSH re: Asbestos and Health	none
American Standards Association (never a member; served on committees) became ANSI - 1969 similar to ASTM (sustaining member)	unknown; involvement at least 15 years ago	unknown	

<u>ORGANIZATION</u>	<u>DATES OF MEMBERSHIP</u>	<u>HEALTH HAZARDS OF ASBESTOS DISCUSSED AT MEETINGS ATTENDED BY UNITED STATES GYPSUM COMPANY PERSONNEL</u>	<u>DOCUMENTS AVAILABLE TO UNITED STATES GYPSUM COMPANY</u>
Asbestos Textile Institute	never a member	none	
SOEH/IOEH	never a member	"Occupational Exposures to Fibrous and Particulate Dust and Their Extensions into the Environment" 12/5/77 - 12/7/77 J. D. Cornell (others?)	none

*Membership information pertaining to these organizations is not available in this
defendant's files.

United States Gypsum Company does not and has not belonged to:

Quebec Asbestos Mining Association - QAMA

Asbestos Research Council of England

Public Health Bulletin Service

Plastering and Lath Association

Chicago Plastering Institute

Perlite Institute

Advertising for U.S. Gypsum's products has traditionally been handled in corporate headquarters.

The following persons have been identified as holding positions of primary responsibility in the area of advertising and/or promotional materials on behalf of this defendant during the indicated periods:

1938:	F. Babcock General Advertising Manager
1939-1942:	M. S. Wolf
1943-1947:	J. G. Maynard
1947-1948:	E. W. Fish
1949:	I. F. Hayman (Deceased)
1958:	A. J. Watt Vice President of Advertising and Promotion
1962:	V. Abnee Manager - Promotion Advertising
1963-1978:	J. J. McLaughlin Vice President of Marketing Services
1979:	W. S. Stuart Vice President, Director of Marketing Service
1979-9/1/87:	R. Faust Vice President, Director of Corporate Marketing Services
9/1/87 - 6/1/89:	R. Hopper Vice President, Marketing Services

6/1/89 - 3/1/90: J. C. Bopp
Director Marketing Services,
President Marstrat
3/1/90 - 7/31/90: Director, Training, Research and Special
Projects

3/1/89: D. P. Ford
Director Creative Services
3/1/90: Director Marketing Services,
President Marstrat
7/1/93 - present: Director Marketing Communications,
President Marstrat

The following advertising agencies have been identified as
being used by defendant in the past with respect to its products:

1950-1965: Fulton, Morrissey Co.
612 N. Michigan Avenue
Chicago, Illinois
1965-1970: Geyer, Morey, Ballard
(later Meyer, Oswald)
645 N. Michigan Avenue
Chicago, Illinois
1970-1972: Lennon & Newell/Midwest
645 N. Michigan Avenue
Chicago, Illinois
1972-1976: Needham, Harper & Steers
401 N. Michigan Avenue
Chicago, Illinois
1977-present: Marstrat (In-House)

EXHIBIT 8

THIS DEFENDANT IS INSURED BY THE FOLLOWING.

<u>CARRIER</u>	CERTIFICATE OR <u>POLICY NO.</u>	<u>TYPE</u>	POLICY <u>PERIOD</u>
ADMIRAL	A0UX 0006	Excess	8/1/80- 8/1/81
ADMIRAL	A1UX 0051	Excess	8/1/81- 8/1/82
ADMIRAL	A2UX 0126	Excess	8/1/82- 8/1/83
ADMIRAL	A3UX 0164	Excess	8/1/83- 1/19/84
AMERICAN EXCESS	EUL5002664	Excess	11/10/78- 8/1/79
AMERICAN EXCESS	EUL5003994	Excess	8/1/79- 8/1/80
AMERICAN EXCESS	EUL5084144	Excess	8/1/80- 8/1/81
AMERICAN EXCESS	EUL5084262	Excess	8/1/81- 8/1/82
AMERICAN MUTUAL	57559-D	Primary	2/1/63- 2/1/66
AMERICAN MUTUAL	952989- 02-6-D	Primary	2/1/66- 2/1/67
AMERICAN MUTUAL	952989- 12-7-D	Primary	2/1/67- 2/1/70
AMERICAN MUTUAL	952989- 12-0-D	Primary	2/1/70- 4/15/71
AMICO	1YM 114 700	Primary	4/1/61- 2/1/63
AMICO	12M 127 724	Primary	4/15/71- 7/1/75
AMICO	2CP 61 063	Excess	2/15/72- 2/15/75
AMICO	2YM 129 182	Excess	2/15/72- 2/1/75
AMICO	5SB 021 428	Excess	2/15/75- 7/1/75
AMICO	5SB 021 429	Excess	2/15/75-7/1/75
AMERICAN RE-INSURANCE	M 12016-2001	Excess	12/7/66- 2/1/69
AMERICAN RE-INSURANCE	M1440073	Excess	11/8/76- 2/15/78
CALIFORNIA UNION	ZCX 00 33 78	Excess	11/7/78- 8/1/80

<u>CARRIER</u>	<u>CERTIFICATE OR POLICY NO.</u>	<u>TYPE</u>	<u>POLICY PERIOD</u>
CONTINENTAL CASUALTY	RDX 9658052	Excess	7/31/62- 2/1/66
CONTINENTAL CASUALTY	RDX 938 50 86	Excess	4/20/66- 2/1/69
CONTINENTAL CASUALTY	RDX 923 01 25	Excess	12/7/66- 2/1/69
CONTINENTAL CASUALTY	RDX 01 912 52 99	Excess	2/1/69- 2/1/72
CONTINENTAL CASUALTY	RDX 01 912 53 00	Excess	2/1/69- 2/1/72
CONTINENTAL CASUALTY	RDX 01 808 54 80	Excess	2/1/72- 2/15/75
CONTINENTAL CASUALTY	RDX 01 808 54 81	Excess	2/1/72- 2/15/75
CONTINENTAL CASUALTY	RDX 142 11 13	Excess	2/15/75- 9/6/76
CONTINENTAL CASUALTY	RDX 142 11 14	Excess	2/15/75- 9/6/76
CONTINENTAL CASUALTY	CCP 005 30 96 37	Primary	8/1/79- 8/1/82
			(8/1/79- 8/1/80)
			(8/1/80- 8/1/82)
COMMERCIAL UNION (EMPLOYERS' LIABILITY ASSURANCE CORPORATION, LTD.)	E22-8160-001	Excess	2/1/63- 2/1/66
FIREMAN'S FUND	XL 38021	Excess	2/1/69- 2/1/72
FIREMAN'S FUND	XLX 119 50 62	Excess	2/1/72- 2/1/75
FIRST STATE	920501	Excess	2/15/72- 2/1/75
FIRST STATE	928140	Excess	8/1/80- 8/1/81
FIRST STATE	928110	Excess	8/1/81- 8/1/82
FIRST STATE	928123	Excess	8/1/82- 8/1/84
INTEGRITY	XL-50- 04-06	Excess	8/1/83- 8/1/84

<u>CARRIER</u>	<u>CERTIFICATE OR POLICY NO.</u>	<u>TYPE</u>	<u>POLICY PERIOD</u>
INTERNATIONAL	522 003150 9	Excess	10/25/78- 8/1/79
INTERNATIONAL	522 003173 4	Excess	8/1/79- 8/1/80
INTERSTATE	155-U-29045	Excess	11/9/78 8/1/79
INTERSTATE	155-U-29098	Excess	8/1/79- 8/1/80
LEXINGTON	5521014	Excess	8/1/80- 8/1/81
LEXINGTON	5521015	Excess	8/1/80- 8/1/81
LEXINGTON	5521110	Excess	8/1/81- 8/1/82
LEXINGTON	5521201	Excess	8/1/82- 8/1/83
LEXINGTON	5525721	Excess	8/1/83- 8/1/84
LIBERTY MUTUAL	CGL-04-00610	Primary	4/1/43- 4/1/44
LIBERTY MUTUAL	CGL-04-01419	Primary	4/1/44- 4/1/45
LIBERTY MUTUAL	CGL-04-02297	Primary	4/1/45- 4/1/46
LIBERTY MUTUAL	CGL-04-03180	Primary	4/1/46- 4/1/47
LIBERTY MUTUAL	CGL-04-04185	Primary	4/1/47- 4/1/48
LIBERTY MUTUAL	CGL-04-05766	Primary	4/1/48- 4/1/49
LIBERTY MUTUAL	CGL-04-00244	Primary	4/1/49- 6/1/49
LLOYD'S	24045	Primary	6/1/49- 12/8/49
			12/8/49- 7/10/50
LLOYD'S	21270/ 24045	Excess	12/8/49- 7/10/50
LLOYD'S	21271/ 24045	Excess	12/8/49- 7/10/50
LLOYD'S	C 31979 C	Primary	7/10/50- 3/10/52

<u>CARRIER</u>	<u>CERTIFICATE OR POLICY NO.</u>	<u>TYPE</u>	<u>POLICY PERIOD</u>
LLOYD'S	23331	Excess	7/10/50- 7/10/53
LLOYD'S	F 23376	Excess	7/10/50- 7/10/53
LLOYD'S	F 23377	Excess	7/10/50- 7/10/53
LLOYD'S	C 36693 CB	Primary	3/10/52- 4/1/55
LLOYD'S	F 35836	Excess	7/10/53- 4/1/55
LLOYD'S	F 35835	Excess	7/10/53- 4/1/55
LLOYD'S	MO 642295 CB	Primary	4/1/55- 4/1/58
LLOYD'S	MJ 642296 CB	Excess	4/1/55- 4/1/58
LLOYD'S	WMJ 801108 CB/ WMJ 801109 CB	Excess	4/1/55- 4/1/58
LLOYD'S	WMJ 801110 CB	Excess	4/1/55- 4/1/58
LLOYD'S	RS 907609 CD	Primary	4/1/58- 4/1/61
LLOYD'S	NS 653920 CD	Excess	4/1/58- 4/1/61
LLOYD'S	55043	Excess	4/1/58- 4/1/61
LLOYD'S	55044	Excess	4/1/58- 4/1/61
LLOYD'S	55045	Excess	4/1/58- 4/1/61
LLOYD'S	55046	Excess	4/1/58- 4/1/61
LLOYD'S	WNY807004	Excess	7/31/59- 7/31/62
LLOYD'S	022463000	Excess	2/1/66- 2/1/69
LLOYD'S	022464000	Excess	2/1/66- 2/1/69

<u>CARRIER</u>	<u>CERTIFICATE OR POLICY NO.</u>	<u>TYPE</u>	<u>POLICY PERIOD</u>
LLOYD'S	022747000	Excess	12/7/66- 2/1/69
LLOYD'S	026160000	Excess	3/1/69- 2/1/72
LLOYD'S	026161000	Excess	3/1/69- 2/1/72
LLOYD'S	026162000	Excess	3/1/69- 2/1/72
LLOYD'S	183550900	Excess	11/19/76- 2/15/78
LLOYD'S	020044100	Excess	2/15/78- 8/1/79
MIDLAND	XL 146163	Excess	2/15/75- 2/15/78
NATIONAL AMERICAN (STUYVESANT)	61-05-1800E	Excess	4/1/61- 2/1/63
NATIONAL SURETY	XLX-120 48 58	Excess	2/15/75- 2/15/78
NATIONAL SURETY	XLX-130 14 53	Excess	10/25/78- 8/1/79
NATIONAL SURETY	XLX-136 63 54	Excess	8/1/79- 8/1/80
NATIONAL SURETY	XLX-143 62 90	Excess	8/1/80- 8/1/81
NATIONAL SURETY	XLX-143 63 42	Excess	8/1/81- 8/1/82
NATIONAL SURETY	XLX-148 34 45	Excess	8/1/82- 8/1/83
NATIONAL SURETY	XLX-153 01 72	Excess	8/1/83- 1/19/84
NATIONAL SURETY	XLX-153 01 73	Excess	1/19/84- 8/1/84
NORTHBROOK	63 001 083	Excess	8/1/83- 8/1/84
			7/1/75- 2/15/78

<u>CARRIER</u>	<u>CERTIFICATE OR POLICY NO.</u>	<u>TYPE</u>	<u>POLICY PERIOD</u>
NORTHBROOK	63 001 167	Excess	7/1/75- 2/15/78
NORTHBROOK	63 004 250	Excess	2/15/78- 8/1/79
NORTHBROOK	63 005 941	Excess	8/1/79- 8/1/80
NORTHBROOK	63 005 942	Excess	8/1/79- 8/1/80
TRANSIT	UMB 950-106	Excess	8/1/80- 8/1/81
TRANSIT	UMB 950-181	Excess	8/1/81- 8/1/82
TRANSIT	UMB 950-248	Excess	8/1/82- 12/31/84
TRAVELERS	TR-NSL- 135T059-4-75	Primary	7/1/75- 7/1/78 (7/1/75- 2/15/78) (2/15/78- 7/1/78)
TRAVELERS	TR-NSL- 135T060-1-75	Primary	7/1/75- 8/1/79
TRAVELERS	TRK-SLG- 135T059-4-78	Primary	7/1/78- 8/1/79
Self-Insured Retention (NORTHWESTERN NATIONAL INSURANCE COMPANY)	CLA 3259137	Primary	8/1/82- 1/1/85

WP/15177

United States Gypsum Company has been aware since the mid-1930's that inhalation of large quantities of asbestos fibers for long periods of time could produce a pneumoconiotic lung condition known as asbestosis. United States Gypsum Company is presently unaware of specifically now it acquired this knowledge.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of bronchogenic carcinoma, except that it does know that one of its employees, E. C. Beuthin, United States Gypsum Company's first Safety Director, has stated in his deposition that he attended a conference in 1955, at which papers discussing this relationship were presented.

Documents produced in other litigation pertaining to this issue have come to U. S. Gypsum's attention. These documents were produced by other parties; U. S. Gypsum has not found them in its own files and can make no representations concerning the origin or authenticity of those documents. The documents suggest that in approximately October 1948, U. S. Gypsum may have received a draft report concerning inhalation experiments on laboratory animals exposed to high levels of asbestos dust. It was reported that some of the animals developed lesions described variously as lung cancer and non-malignant adenomas. U. S. Gypsum believes that these are the same experimental results reported to the National Cancer Institute by Dr. L. U. Gardner in 1943 and Dr. Kenneth M. Lynch in 1947 and referred to

by Drs. Lynch, McIver and Cain in their 1956 published article, "Pulmonary Tumors In Mice Exposed To Asbestos Dust," 15 A.M.A. Archives of Industrial Health 207 (March 1957), which was received for publication in 1956.

United States Gypsum Company is now aware that the first published study which established a direct association between the inhalation of asbestos fibers and the development of mesothelioma was the 1960 epidemiological study entitled "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J. C. Wagner, et al., which described mesothelioma occurrence among persons exposed to crocidolite, at or near crocidolite mines in South Africa.

United States Gypsum Company is not aware of precisely when it first knew of the relationship between the inhalation of asbestos fibers and the development of mesothelioma, except that it believes that the first employee to become aware of this association was G. R. Krug, one of United States Gypsum Company's former Safety Directors. Mr. Krug has testified that he first became aware in the early to mid-1960's of the association between exposure to asbestos fibers and the development of mesothelioma in asbestos miners, as a result of reading articles in newspapers and magazines.

U.S. Gypsum does not maintain examples of actual packaging in the normal course of business. All packaging contained the product name, this defendant's name, directions and instructions for use. To this defendant's best knowledge, information and belief, the product packaging for its asbestos-containing products was as follows:

Acoustical Plaster	Kraft Paper Bags
Miscellaneous Plasters	Kraft Paper Bags
Stucco	Kraft Paper Bags
Fireproofing Plaster	Kraft Paper Bags
Joint Compound	Kraft Paper Bags, metal and plastic buckets and cardboard cartons
Spray Textures	Kraft Paper Bags, metal and plastic buckets and cardboard cartons
Block Insulation	Cardboard Cartons
Pipecovering	Cardboard Cartons
Spackling Paste	Metal and plastic cans buckets and pails
Ceiling Tile	Cardboard Cartons
Asbestos Cement	Burlap bags, cardboard cartons
Adhesives	One-gallon, five-gallon and fifty-gallon cans

Available packaging bulletins dealing with products which plaintiff can establish were relevant to this lawsuit will be made available to the plaintiff for inspection at a mutually convenient time at 125 South Franklin Street, Chicago, IL 60606.