

B I R D I N C O R P O R A T E D

Memo To: D. Rice - CEN

From: J. W. Jackson - BBH

Subject: DONALD W. & DIANE C. WUNSCH VS. NORTHEAST BUILDERS VS. BIRD Date: November 6, 1984

Our lawyer, representing us in this case, has suggested that it might be worth Bird's money to have one of the shingles from this job removed and tested in our laboratory. Bob Carlson checked with Jean Martin to see if FB had ever had a complaint filed. Apparently we never had a complaint. Frank Anthony has requested that we have the shingles tested. I think that this should be handled as a special complaint through the Sales Department. It sounds to me like it may be an application problem and not a non-spec material problem. Please arrange to have a sample obtained per Frank's request.

JWJ/cm

cc F. Anthony
R. J. Carlson - BBQ
Tech File



EDWARDS & ANGELL

Counsellors at Law

One Hospital Trust Plaza
Providence, Rhode Island 02903
401 274-9200
Telex 952001 "E A PVD"
Telecopier 401 276-6611

January 25, 1985

Mr. Robert J. Carlson
Laboratory Supervisor
Bird Incorporated
East Walpole, Massachusetts 02032

Re: Wunsch v. Northeast Builders v. Bird

Dear Bob:

Enclosed for your information is a copy of the self-explanatory letter which I sent to Frank Anthony today.

Sincerely,


JAMES K. EDWARDS

Enclosure

645 Fifth Avenue
New York, New York 10022
212 308-4411
Telecopier 212 308-4844

250 Royal Palm Way
P.O. Box 2621
Palm Beach, Florida 33480
305 833-7700
Telecopier 305 655-8719

One Boston Place
Suite 3920
Boston, Massachusetts 02108
617 720-3440
Telecopier 617 720-0645

BIRD 011252

EDWARDS & ANGELL

Counsellors at Law

One Hospital Trust Plaza
Providence, Rhode Island 02903
401 274-9200
Telex 951001 "EAPVD"
Telecopier 401 276-6611

January 25, 1985

Frank S. Anthony, Esq.
General Counsel
Bird Incorporated
East Walpole, Massachusetts 02032

Re: Wunsch v. Northeast Builders v. Bird

Dear Frank:

I have received from Ruth Griffin a copy of the Bird Building Materials Division Complaint Report dated December 7, 1984, with the lab report at the bottom of the form and the report to you from Mr. Carlson dated January 10, 1985.

I have spoken at length by telephone with Mr. Carlson this morning to ask him a number of questions about the lab report and specifically as to whether the finding of "a slight rash blistering condition" may have been caused by any deficiency in the shingle as manufactured by Bird. Mr. Carlson assured me that the blistering (a) could not have been responsible for any water leakage into the Wunches' house and (b) was not caused by any manufacturing deficiency on Bird's part.

Since the lab report without further explanation might be taken by the attorney for the Wunches or the attorney for Northeast Builders as an indication of a defect in the shingle, I urged Mr. Carlson, and he agreed, to prepare a supplement to his memo to you of January 10, 1985, stating the essence of what he told me over the telephone today. I suggested that the supplement be addressed to you and indicate that it was being prepared at your request.

I said to Mr. Carlson that I would let you know that the request to him for a supplemental report was being made in your name. When I called you, you had left the office and would be traveling for several days, so I thought I should make this report to you in writing.

Please call me if you have any questions on this.

Sincerely,

Jim Edwards
JAMES K. EDWARDS

cc: Mr. Robert J. Carlson

645 Fifth Avenue
New York, New York 10022
212 308-4411
Telecopier 212 308-4844

250 Royal Palm Way
P.O. Box 2621
Palm Beach, Florida 33480
305 833-7700
Telecopier 305 655-8719

One Boston Place
Suite 3920
Boston, Massachusetts 02108
617 720-3440
Telecopier 617 720-0645

BIRD 011253



cc: Frank Anthony

~~Robert Carlson~~

January 23, 1985

James K. Edwards, Esq.
Edwards & Angell
One Hospital Trust Plaza
Providence, Rhode Island 02903

Reference: Donald & Diane Wunsch vs. Northeast
Builders vs. Bird

Dear Mr. Edwards:

Enclosed please find a copy of the lab report with an accompanying memo to Frank Anthony from Bob Carlson for the above-mentioned case.

As we discussed over the phone you feel that you will need to discuss the report further with a technical person. It is for this reason that I have contacted Bob Carlson and notified him that you will be calling him to discuss this with him as soon as you receive it. Mr. Carlson indicated that he will be available this week and he can be reached at Ext. 232.

Sincerely,

A handwritten signature in cursive script that reads "Ruth W. Griffin".

Ruth W. Griffin

/rg
Enclosures



JAN 11 1985

DATE 12-7-84

BUILDING MATERIALS DIVISION COMPLAINT REPORT

COMPLAINT # 11-14784-165

I. INSTALLATION INFORMATION TO BE COMPLETED BY SALESMAN

WHOLESALE NAME		ADDRESS		PHONE #	
DEALER NAME		ADDRESS		PHONE #	
APPLICATOR NAME		ADDRESS		PHONE #	
COMPLAINANT NAME		ADDRESS		PHONE #	
LOCATION OF COMPLAINT					
CUSTOMER'S COMPLAINT		PROOF OF PURCHASE			
MATERIAL USED	MATERIAL COLOR	SERIAL #	TOTAL SQS. APPLIED	TOTAL SQS. AFFECTED	TYPE OF DECK/SIDEWALL
W/S (old)	Jet		2458	2458	Shingles
DATE MATERIAL DEL. TO SITE	DATE APPLIED	DATE INSPECTED	HOW LONG HAS CONDITION EXISTED	WARRANTY PERIOD	PRO RATA RATIO
12/8/84					
TYPE BUILDING	ROOF PITCH	INSIDE INSPECTION	SAMPLES MAILED TO LAB	DATE MAILED	
Residence		☐ YES ☐ NO	☐ YES ☐ NO		

REMARKS

Pls check sample shingle for any defects as it is
has taken legal action against contractor since Bird Inc.

COMPLAINT #

TYPE OF ADJUSTMENT REQUIRED BY OR ACCEPTABLE TO COMPLAINANT

	QUANTITY	PRODUCT	UNIT COST	TOTAL
MATERIAL				
LABOR				
FREIGHT				
TOTAL				

ADJUSTMENT TO

SALESMAN

E. J. Carlson (147)

II. LAB REPORT

The sample submitted was a Jet (organic) Shadow Gray shingle. The sample does display a slight rash blistering condition. An analysis reveals that the sample does meet manufacturing specifications for weight, back coating, and percent saturation.

COMPLAINT CATEGORY

Blistering

☒ SPEC ☐ NON-SPEC

LAB REPORT PREPARED BY

R. J. Carlson

LAB SUPERVISOR

DATE

1/10/85

III. ACTION

DIST MGR

DATE

QTY MGR

DATE

WHITE - LABORATORY

GOLDENROD - DIVISION OFFICE

YELLOW - DIVISION OFFICE

PINK - SALESMAN

BIRD 011255



Memo To: F. Anthony
Subject: Wunsch Complaint
11-147-84-168

From: R. J. Carlson BBQ
Date: January 10, 1985

The following are the results of the laboratory analysis performed on the sample shingle submitted on this complaint:

Product Weight	243.5 lb/sq
Back Coating	9.9 lb/100 sq ft
Percent Saturation	171.0 %

The remaining portion of the sample will be retained at BBH.

cc: D. R. Suva



DATE 12-7-84 BUILDING MATERIALS DIVISION COMPLAINT REPORT. COMPLAINT # 11-14784-168

I. INSTALLATION INFORMATION TO BE COMPLETED BY

WHOLESALE NAME _____
DATE _____

APL Northeast Builders 401-846-1540
CRAN Donald Wunsch & Diane R. Harrington, R.I. 401-783-9687
#4

See below
MATERIAL W/S (old) 24 5g
DATE 12/5/84 24 5g Planned

TYPE BUILDING Residence ROOF PITCH _____

REMARKS Pls check sample shingles for any defects as the
has taken legal action against Contractor since Bird time.

TYPE OF ADJUSTMENT _____
BCA _____
FREIGHT _____
TOTAL _____
ADJUSTMENT TO _____

II. LAB REPORT
The sample submitted was a Jet(organic) Shadow Gray shingle. The sample does display a slight rash blistering condition. An analysis reveals that the sample does meet manufacturing specifications for weight, back coating, and percent saturation.

COMPLAINT CATEGORY Blistering X
III. ACTION
DIST MGR _____
DIV MGR _____
R. J. Carlson 1/10/85

WHITE-LABORATORY GOLDENROD-DIVISION OFFICE YELLOW-DIVISION OFFICE PINK-SALESMAN



Memo To: F. Anthony

From: R. J. Carlson BBQ

Subject: Wunsch Complaint
11-147-84-168

Date: January 10, 1985

The following are the results of the laboratory analysis performed on the sample shingle submitted on this complaint:

Product Weight	243.5 lb/sq
Back Coating	9.9 lb/100 sq ft
Percent Saturation	171.0 %

The remaining portion of the sample will be retained at BBH.

cc: D. R. Suva

SUBJECT

11/10/54

PROJECT NO.

Wunsch: 2 Sat.

$$\left(\frac{9.62 - 3.55}{3.55} \right)$$

DATE WORK STARTED

17/2

$$B/L = (38.20 - 35.12) \times 22 = 9.9 \frac{11}{100} \text{ ft.}$$

SIGNED

DATE WORK COMPLETED

READ & UNDERSTOOD BY

DATE