

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 GREENVILLE DIVISION

4 GREENVILLE COUNTY SCHOOL DISTRICT,
5
6 Plaintiff,

CIVIL ACTION
NO. 82-3142-14

7 -versus-

Greenville, South Carolina
July 12, 1984; 9:00 a.m.

8 UNITED STATES GYPSUM COMPANY,
9 W. R. GRACE COMPANY, and
10 NATIONAL GYPSUM COMPANY,

Defendants.

11 PARTIAL TRANSCRIPT
12 MOTIONS

13 BEFORE: HON. WILLIAM W. WILKINS, JR., Presiding,
14 United States District Judge.

15 TRANSCRIPT ORDERED BY: DANIEL A. SPEIGHTS, Esq.

16 APPEARANCES:

17 FOR THE PLAINTIFF:

DANIEL A. SPEIGHTS, Esq.
ANN KIMMEL, Esq.
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19 DAVID B. WARD, Esq.
20 HORTON, DRAWDY, HAGINS, WARD &
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22 BLATT & FALES

23 By: TERRY E. RICHARDSON, JR., Esq.

24 FOR THE DEFENDANTS:

25 (U. S. Gypsum Co.)

ROBINSON, MCFADDEN, MOORE, POPE
& WILLIAMS

By: Frank Ellerbe, Esq.
Suite 600, P. O/ Box 944
Columbia, S. C. 29202

PLAINTIFF'S
EXHIBIT

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1 buildings or whether it should relate to all other asbestos
2 products. As I understand Your Honor's ruling in January,
3 it was because of the notice issue Your Honor felt the
4 documents or information relating to all asbestos products
5 might be relevant on the issue of whether U. S.G. had notice
6 of possible health hazard. Since that time, there has been
7 considerable production of documents and discovery and we
8 believe we have fully complied with Your Honor's Order on
9 that subject. And I would like to recount for you, if I may,
10 what has happened since that time. As I read Mr. Speights'
11 motion, while it has a lot of complaints about what happened
12 before January 1984, and what happened before Judge McMann's
13 in Lexington and what happened before Judge Cox in Richland,
14 so forth, as I understand the issue before Your Honor, it is
15 whether under Rule 37 USG has willfully failed to comply
16 with Your Honor's Order of January 1984. Now I have had
17 Mr. Ellerbe, who was in the discovery proceedings prior to
18 today, furnish an affidavit of everything that has happened
19 since that date in the way of production. And I would like
20 to hand it to Your Honor, and a copy to Mr. Speights. And
21 Mr. Ellerbe is here to verify the truth of what he said in
22 this affidavit. The point is, Your HOnor - would you like
23 to take a moment to look at it?

24 THE COURT: Let's go ahead.

25 MR. BROWN: The point is we have furnished to



1 plaintiff in response to Your Honor's Order all the sales
2 records that U. S. Gypsum has of all asbestos-containing
3 products used in construction in South Carolina. We have
4 furnished a list of all asbestos-containing products that
5 are manufactured by U. S. Gypsum, or that ever were manu-
6 factured by U. S. Gypsum. We have given Mr. Speights access
7 to U. S. Gypsum's research library in Chicago to go through
8 everything that library had and he has access and he availed
9 himself of it. We have furnished to Mr. Speights all docu-
10 ments we have been able to locate concerning the notice of
11 possible health hazard. We have given a list of them and
12 given the documents themselves.

13 Now, there came up recently a request from Mr. Speights
14 for all workmen compensation claims and we furnished that
15 information. Last week he served a notice asking us to
16 produce in Chicago the person most knowledgeable about dis-
17 ability claims for USG, and we interpreted that to mean
18 workmen compensation claims which we already furnished and
19 furnished a witness who testified about it. At that time
20 Mr. Speights asked whether there were other kinds of dis-
21 ability benefits that employees might get, and we realized
22 that in addition to workers compensation claims there is a
23 disability plan that USG has, which is one is a retirement
24 disability and another - I mean disability retirement plan
25 and another is long-term disability plan to which the em-

PLAINTIFF'S
EXHIBIT
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