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DOCUMENT DESCRIPTION: Legal - Responses of U.S. Mineral Products Co. to Plaintiff's First Set of Interrogatories

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

NO. CP-81-1

In Re: Asbestos-Related)
Litigation)

RESPONSES OF U.S. MINERAL PRODUCTS
COMPANY TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

NOW COMES the Defendant United States Mineral Products Company ("U.S. Mineral"), a Defendant in the above-styled case, and files the following answers to the Plaintiff's First Set of Interrogatories.

Many of these interrogatories pertain to events that occurred many years ago. Therefore, in gathering the information to respond to those interrogatories, U.S. Mineral and its counsel have had to rely on many documents and the information contained therein. In addition, U.S. Mineral and its counsel have relied on the memories of officers and employees who have been with the company since the 1950s and 1960s. U.S. Mineral and its counsel have also acquired information from discovery in other cases, and this information may form the basis for a particular answer. Because the process of document review is ongoing, and because new and/or additional information about past events is sometimes acquired, U.S. Mineral reserves its right to supplement and/or amend these answers in the event that more or more accurate information becomes available.

Additionally, this defendant only manufactured and sold asbestos-containing products from 1954 through 1972. Unless otherwise stated in a specific answer to an interrogatory the answers to these interrogatories shall be limited to those



(26) Please describe in detail the type of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.

ANSWER: U.S. Mineral's products were packaged in multi-wall, 50-pound kraft bags with the printed name of the product and application instructions. Beginning in May, 1962, the following warning appeared on these bags:

"CAUTION"

This product contains asbestos. Inhalation of asbestos over long periods may be harmful. If employees are exposed to dust during use and application, those employees should be equipped with adequate personal protective devices.

(27) Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing products? If so, please state who had possession of said reports, listing for each such report the respective insurance company, its address, and the agent signing such correspondence and attach copies to your answers.

ANSWER: Objection. This interrogatory seeks privileged, confidential information irrelevant to plaintiff's claim and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, U.S. Mineral responds as follows: Upon information and belief and to the best of U.S. Mineral's knowledge, this defendant received no such reports or communications.

(28) If you have ever mined or milled natural asbestos, state:

- (a) Where the asbestos was mined and milled.
- (b) How long the defendant has mined and milled asbestos.
- (c) Whether the defendant has supplied this mined and/or milled asbestos to any of the other defendants since 1950; when these transactions took place; and the dollar and tonnage amount of such sales.

VERIFICATION

Paulette A. Kaminski states that she is Assistant Secretary for U.S. Mineral Products Company; that she is acquainted with the facts set forth in the Foregoing Answers to Plaintiff's First Set of Interrogatories; that the same are true and correct to the best of her knowledge, information, and belief.

Paulette A. Kaminski
PAULETTE A. KAMINSKI

Sworn to and subscribed before me,
a Notary Public, this 11 day of
April, 1991.

Patricia M. Dooley
Notary Public

PARTICIA M. DOOLEY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 28, 1993

As to objections:

J. A. Gardner, III
HEDRICK, EATMAN, GARDNER
& KINCHELOE
P.O. Box 30397
Charlotte, NC 28230
(704) 377-1511

Date: April 15, 1991

EXHIBIT "A"

- | | |
|---|---|
| 1. CAFCO® Spray
(1954-58) | Fireproofing, insulation and
accoustical treatment of buildings |
| 2. CAFCO BLAZE-SHIELD®
(1958-71) | Fireproofing of structural
steel and steel floors |
| 3. CAFCO BLAZE-SHIELD
Type D (1965-72) | Fireproofing of structural
steel and steel floors |
| 4. CAFCO BLAZE-SHIELD Patching
Fiber (1954-71) | Same as CAFCO BLAZE-SHIELD but
fiber modified so it can be mixed
with water and hand applied. |
| 5. CAFCO BLAZE-SHIELD Patching
Fiber, Type D (1965-71) | Same as CAFCO BLAZE-SHIELD Type
D but modified so it can be mixed
with water and hand applied. |
| 6. CAFCO Spray Type 1
(1954-58) | Fireproofing, insulation and
accoustical treatment of buildings |
| 7. CAFCO SOUND-SHIELD® | Acoustical absorption |
| 8. CAFCO BLAZE-SHIELD Type H
(1969-71) | Same as CAFCO BLAZE-SHIELD Type
D; generally used for exposed
acoustical areas |
| 9. CAFCO HEAT-SHIELD®
(1958-71) | Building Insulation |
| 10. CAFCO POWER-SHIELD®
(1964-71) | High temperature power and
process insulation |
| 11. J Spray (1964-67) | High temperature power and
process insulation |
| 12. COMINCO®
sometimes called Ace-Tite
Cement or All Purpose
(pre-1958-71) | Insulating cement used for
elbow fittings |
| 13. COMINCO® Mono-ply
(1963-71) | Insulating cement used for elbow
fittings |
| 14. CAFCO HEAT-SHIELD Type 2 | Modification of CAFCO HEAT-SHIELD |
| 15. CAFCO BLAZE-SHIELD Type M | Modification of CAFCO BLAZE-
SHIELD; organic binders added |
| 16. Mark II (1967-72) | Coating for application over CAFCO
products in areas of extreme
velocity and/or abrasion |
| 17. CAFCO WEATHER-SHIELD®
(1970-72) | Coating for application over CAFCO
products to protect against
unusual exposure to the elements |