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RECEIVED
MAY 04 1981
LEGAL DEPARTMENT

April 30, 1981

Mr. Mike Taber, Attorney
Johns-Manville Corporation
P. O. Box 5723
Denver, Colorado 80217

RE: INSURED: THE JOHNS-MANVILLE CORPORATION
CLAIMANT: MINERVA HIRST, Administratrix, Estate of WAYNE RAYMOND HIRST, Deceased
OUR FILE #80-2619

Dear Mike:

On April 29, 1981, I received a set of 139 interrogatories from plaintiff's attorney. Answer or objection date will be May 29, 1981. If at all possible, I do not want to have to request an extension of time because I want to keep my options open to burn this guy's ass down the road and do not want to ask for any favors.

Enclosed are a clean copy and a copy upon which I have made some handwritten notations without a great deal of deliberation.

I infer from interrogatories number 34(a), 67, 72, and 73 that this is a boiler plate set that has been obtained from some lawyer in the East Texas-Louisiana area. These may be something you have seen before and have previously answered. Marlin and Silas are not involved in this [illegible] and I doubt that they are the ones who supplied these interrogatories to plaintiff's counsel. (THEY [illegible] FILE IN KUBIN

As you will notice from my handwritten [illegible] I would like to take a hard line on objections [illegible] plaintiff's lawyers are slipshod in their work and probably will be

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[illegible] ATTD

unable to justify many of their requests when I present the objection. Also, if they do not get the work that they request from us, it is possible that they will do without it.

Although the preamble states that the request is made pursuant to Rule 33, there are numerous items that are in the form of a request for admissions under Rule 36; that is, they do not ask what are the facts but ask us to admit the fact statement contained in the individual requests. I have marked several of these with an asterisk and a "no", even though numerous of the items are things that we could admit. My reasoning is that a refusal to admit terminates the matter unless plaintiff takes the initiative to obtain the information in interrogatory form. I do not believe the court would impose sanctions on us as to those requests that are irrelevant. As to those that are relevant, I feel they are matters about which plaintiff will have to produce a witness with or without the admission and that the sanctions, if any, would be small.

I do not believe that a refusal to admit could be offered into evidence against us.

I realize that this approach is unorthodoxed and am willing to be advised and counseled. It might be a preferable alternative to treat them as Rule 33 interrogatories and object on the grounds of irrelevance. However, under this latter procedure, I believe the court would be [illegible] in requiring an answer whereas a [illegible] admitting caused the items involved to get lost [illegible] discuss at your convenience.

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[illegible] Copy

Very cordially yours,

GREEN AND JAMES

Clarence

BY: CLARENCE P. GREEN

CPG:knp
Enclosures

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