PLAINTIFF'S EXHIBIT

Union Carbide 452

UC 149-2

UNION CARBIDE INTERNAL CORRESPONDENCE

METALS DIVISION • P. O. BOX 579 · 4525 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. J. J. Sibley
Division UCC-Law Dept.
Location 47th Floor
270 Park Avenue
New York, NY 10017

Copy to Messrs. H. B. Rhodes
W. C. Thurber
File

Date April 4, 1978

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject Affidavit for Kanawha County Case

Enclosed is the duly executed Subject as revised by me.

John L. Myers

K-1

JLM:dal
Enclosure

RECEIVED
APR - 7 1978

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CHARLES J. SOWARDS, JR. DALLAS E. TAYLOR, WALTER BUCHANON, JAMES E. CANNON and BERNARD BELVILLE, Plaintiffs, vs. JOHNS-MANVILLE CORPORATION, a corporation, et al., Defendants.	CIVIL ACTION NO. CA-78-107 (Judge Goshorn)

AFFIDAVIT OF JOHN L. MYERS
IN SUPPORT OF A
MOTION TO DISMISS ON BEHALF
OF UNION CARBIDE CORPORATION,
A CORPORATION

JOHN L. MYERS, being first duly sworn on oath, deposes and says that:

1. He is Marketing Manager-Asbestos of the Metals Division of defendant Union Carbide Corporation ("Union Carbide") with an office in Niagara Falls, New York, and has been employed in that position by Union Carbide since 1970.

2. He has personal knowledge of the matters hereinafter set forth, is competent to testify to such matters, and makes this affidavit in support of the motion of Union Carbide to dismiss this action.

3. Union Carbide does not now, and never has mined, processed, or sold any asbestos or asbestos products for use in the heat insulation industry including, without limitation, asbestos insulation, asbestos papers, asbestos board, asbestos block, aircell pipe coverings, asbestos rope, asbestos cement, insulating felt, asbestos gaskets, asbestos packing, insulating cement, lace on insulation of asbestos, slip-on insulation of asbestos, semi-expansion

insulation, asbestos cloth, asbestos-cement sheets, asbestos sheathing, asbestos electrical panel insulation, asbestos yarns, calcium silicate, celinite sheathing, asbestos tape, and molded insulation.

4. From 1963 to date, Union Carbide has mined, milled and marketed CALIDRIA asbestos fiber, a unique form of chrysotile asbestos not elsewhere produced. CALIDRIA asbestos is a uniformly short fiber asbestos not suited for insulation materials.

5. If called upon to testify in open court on said motion to dismiss, affiant would testify as set forth herein.

Further affiant sayeth not.

John L Myers
JOHN L. MYERS

SUBSCRIBED AND SWORN TO
before me this 4th day
of April, 1978, in the
County of Niagara, State
of New York.

Edith Winger
Notary Public

EDITH WINGER, Reg. No. 1703
Notary Public, State of New York
Qualified in Niagara County
Commission Expires March 30, 19 80

Union Carbide trial exhibit Union Carbide 452: John L. Myers to J. J. Sibley Transmitting Affidavit for Kanawha Cou... Published by AsbestosClaims.Law
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