PLAINTIFF'S EXHIBIT

UC-5274

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL COURT
IN AND FOR BROWARD COUNTY, FLORIDA

JOSEPH S. KAHLER and JULIA KAHLER, his wife,

Plaintiff,

vs.

ACandS, Inc., et al.,

Defendants.
_____/

GENERAL JU SDICTION DIVISION

CASE NO. 01-07653

AFFIDAVIT OF CARLO F. MARTINO

I, CARLO F. MARTINO, being duly sworn, depose and state as follows:

1. I was employed by Union Carbide Corporation ("Union Carbide") from August 1948 until March 1996.

2. From 1960 until 1974 I was the Group Manager of R&D for the Bakelite Phenolic Molding Compounds and Laminating Resins Group. My responsibilities included customer service on technical matters, formulating new products, and modifying the old ones in order to fit new applications that customers were interested in.

3. In my position as Group Manager, I became familiar with Bakelite phenolic molding compounds and laminating resins manufactured and sold by Union Carbide and had access to records regarding those products. Based upon my knowledge and review of company records, I am able to make the following statements.

4. Union Carbide made phenolic molding compounds with the trade name Bakelite, and some of the phenolic molding compounds contained encapsulated asbestos fibers as a filler. Most of the phenolic molding compounds did not use asbestos fillers but instead used other materials, e.g., wood flour, cotton flock, mica, coal, and/or talc.

5. Union Carbide did not manufacture for sale finished products made from phenolic molding compounds, such as electrical boxes (although, at any rate, plaintiff's description herein does not suggest a product made with molded materials), but instead sold the unmolded sand-like product in bags to customers who heated and then molded the compounds into the shapes required in their business. It would be unusual for finished products made by Union Carbide's phenolic molding customers to need to be drilled or

cut by end users since the parts were already molded into the desired shape, with screw holes molded in as required.

7. There were numerous other companies who made phenolic molding compounds, including Durez, Plastic Engineering Co. (Plenco), GE, Westinghouse, and Reichold. After approximately 1951, Bakelite was no longer the largest seller in this segment of the plastics industry.

8. Although Bakelite was a Union Carbide trade name, the name became generic and end users often referred to products made from phenolic resins as "Bakelite."

9. Because (1) Union Carbide did not sell finished products made from phenolic molding compounds, and (2) other companies made similar phenolic molding compounds, it would be impossible to tell (without analyzing a sample) whether Union Carbide's phenolic molding compounds were used in the finished products Mr. Kahler worked with. Even so, during a period of time in the early 1950s, Union Carbide gave its product formulations to its competitors to satisfy Union Carbide's Bakelite customers during a time when Union Carbide was forced to shut down portions of its Bound Brook, New Jersey production line.

10. Union Carbide also sold phenolic resins. Unlike the phenolic molding compounds, these resins contained no fillers (e.g., asbestos). Union Carbide sold the phenolic resins to laminate manufacturers, who used them as adhesives for the making of plywood and products such as "Formica." It is possible that Union Carbide's customers may have added fillers to these resins. Laminate products, which Union Carbide's customers often sold in boards or sheets, would need to be cut to size, and drilled if necessary.

11. In sum, there is no basis to believe either that (1) the product used by plaintiff was made from Union Carbide's phenolic molding compounds, or (2) even if it was, that it was made from an asbestos-containing phenolic molding compound.

FURTHER AFFIANT SAYETH NOT.

Carlo F. Martino

CARLO F. MARTINO

Sworn to and subscribed before me this
3rd day of January, 2002.

Emily Binek
Notary Public

My Commission Expires on:

EMILY BINEK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 15, 2002