PLAINTIFF'S EXHIBIT
UC-5438

AFFIDAVIT OF JOHN L. MYERS

COUNTY OF PALM BEACH
STATE OF FLORIDA

Personally appeared before me, the undersigned officer duly authorized to administer oaths in the State of Florida, John L. Myers, who, after having been duly sworn, deposes and states under oath as follows:

1. I am a resident of the State of California, over eighteen years of age and competent to give this affidavit. The facts contained in this affidavit are based upon my personal knowledge and are true and correct.

2. I was employed by Union Carbide Corporation ("Union Carbide") from 1951 to 1985. I served in several capacities while employed by Union Carbide, and became involved in Union Carbide's Calidria chrysotile asbestos business in 1966. From 1967 until 1970, I was the technical superintendent for the King City, California Calidria operation. From 1970 until 1981, I served as Marketing Manager for the Union Carbide Calidria business. From 1981 to 1985, I was the Product and Production Manager for the King City Calidria operation. Union Carbide sold its Calidria operation in 1985.

3. Union Carbide is incorporated under the laws of the State of New York. Union Carbide's principal place of business is Danbury, Connecticut. Union Carbide is not a Florida corporation incorporated under the laws of Florida and never has been.

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4. Union Carbide opened its plant near King City, California in 1963. At the King City plant, Union Carbide milled raw short-fiber chrysotile asbestos mined from the Coalinga deposit in California's New Idria mining district in the Diablo Mountains. The chrysotile asbestos mined and milled by Union Carbide was known by the trade name "Calidria." Calidria asbestos is a mineral that is found and naturally occurs in nature.

5. Union Carbide began selling Calidria to product manufacturers in 1963. Union Carbide began sales of Calidria suitable for use in tape joint compounds to Georgia Pacific Corporation in 1970, and began sales of Calidria suitable for use in tape joint compounds to United States Gypsum ("USG") in 1968. Union Carbide did not supply Calidria suitable for use in tape joint compounds to either Georgia Pacific or USG after 1977 and, depending on the location and company, stopped shipping Calidria for use in their joint compounds even earlier. Union Carbide sold raw Calidria asbestos to manufacturers who incorporated Calidria into their commercial finished products pursuant to their own guidelines and specifications. Calidria was not sold to the general public.

6. Calidria was sold to product manufacturers, in bulk, either as open fiber or in a pelletized form. Purchasers of Union Carbide's Calidria used the fibers in the manufacture of various finished products such as certain joint compounds manufactured by Georgia Pacific and USG. Union Carbide's customers subsequently sold finished products to various industries, including the construction industry. The manufacturers to whom Union Carbide sold its

Calidria usually did not sell only Calidria-containing products. Some of their finished products contained Calidria and some did not.

7. Union Carbide at no time milled or mined Calidria asbestos in the State of Florida.

8. Sales records in Union Carbide's files indicate that Union Carbide did not sell Calidria asbestos to any person or entity in the State of Florida until February of 1966. Those records also indicate that the last sale of Calidria asbestos to any person or entity in the State of Florida occurred in 1981. No sales were made directly to Georgia Pacific or USG or to any joint compound manufacturer in the State of Florida.

9. Union Carbide did not participate in or control the manufacture or design of the finished products made by its manufacturer-customers, the subsequent sale and distribution of the products or any product warnings that accompanied the finished products to the end user.

FURTHER AFFIANT SAYETH NOT.

John L. Myers
JOHN L. MYERS

Sworn to and subscribed before me
This 20 day of February, 2003.

Heidi L. Lester
Notary Public

My Commission Expires:

Heidi L. Lester
MY COMMISSION # DD134867 EXPIRES
July 17, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

ATL 34v1

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