

medical and scientific authorities, government officials and companies supplying products containing asbestos fiber believed that the dust levels for asbestos recommended by the United States Public Health Service did not constitute a hazard to the health of workers handling asbestos-containing insulation products. Accordingly, the company has maintained that there was no basis for product warnings or special hazard controls until the 1964 publication of results of scientific studies linking pulmonary disease in asbestos insulation workers with asbestos exposure. (Page M-467 of the Reorganization Plan) Similar language appears in the Disclosure Statement itself.

The documents noted above, however, show corporate knowledge of the dangers associated with exposure to asbestos dating back to 1934. In addition, the plaintiffs' bar will probably take the position -- not unreasonably -- that the documents are evidence of a corporate conspiracy to prevent asbestos workers from learning that their exposure to asbestos could kill them. (One employee of Manville, who co-authored a 30-year-old document which is among the group of documents described above, was told by Manville's Chief of Litigation to hire his own lawyer after the document came to light because it was the opinion of the Chief of Litigation that the employee could be indicted for manslaughter.)

It is impossible in summary form to describe even the few documents I have seen or the summaries I have read. Subject to a later correction based on my review of further documents, it is my present opinion that at the very least the documents in question will result in a) substantially higher values for all personal injury claims made against the Trust, and b) potentially much higher values for all co-defendant claims made against the Trust. Post-Consummation there may be an attempt by the plaintiffs' bar, following their review of the documents, to (1) amend the Reorganization Plan to permit the addition of punitive damages for asbestos health claims against the Trust, and (2) require Manville to contribute substantially more funds to the Trust.

More seriously, an argument could be made that the Reorganization Plan was procured by fraud and, therefore, should be set aside. While it is true that many of the documents in question are eluded to in Outrageous Misconduct, and while it is true that many of the documents were revealed in open court during Manville's litigation against the Government, the fact remains that the Reorganization Plan did not disclose to those who voted for it that Manville's previously asserted positions concerning its knowledge of the danger of asbestos had been shown to be false. (I have asked