



Subject: Records Retention Review  
December 2006 through December 2007

Upon Consummation of the Manville Bankruptcy Plan, the Manville Trust established a repository of Johns Manville's records related to asbestos liability. The records collection, which now includes approximately 40,000 boxes of historical documents and microfilm, has been accessible to Manville Trust Beneficiaries through the Asbestos Claims Research Facility in Denver. In June of this year, following a determination by Iron Mountain that it was not economically feasible to bring the Denver review facility space into compliance with fire code requirements, the research facility was relocated to a small warehouse in nearby Aurora, Colorado. Iron Mountain continues to provide storage for the repository records, which are now managed and made accessible for review at the Aurora facility.

Maggie Baumgardner is the facility's Research Coordinator. For more than sixteen years she has been involved in the repository's records gathering and indexing processes. She assists Trust Beneficiaries with their research and provides authentication affidavits and testimony as needed. Her efforts are augmented when necessary by temporary workers under her supervision. To provide some context for the role of the Research Facility, requests for records and other assistance increased from 260 (in 2003), to 325 (in 2004), and 425 (in 2005).

Due to the manner in which documents have been gathered from many locations and sent to the repository over an extended period of time, some of its records are duplicates, some are not related to asbestos liability, and some are not of interest to Manville Trust Beneficiaries for other reasons (discussed below). Maggie has identified approximately 8,605 boxes (about twenty percent of the collection, described below) containing such records. Based on her experience assisting plaintiff and defense counsel, as well as others interested in asbestos liability issues, Maggie has determined that it is unlikely that the contents of these boxes would lead reviewers to more useful materials or information. She notes that when these boxes have been requested – infrequently – for review, Beneficiaries quickly determine after cursory review that they are of no further interest. Culling these records will result in substantial reduction of monthly storage costs for the repository and thus savings for the Beneficiaries.

Maggie has established the schedule below for transferring boxes from the Iron Mountain warehouse to the Aurora research facility for review and final decisions concerning retention. The review schedule (including any changes as the review progresses) will be posted on the CRMC and Manville Trust websites. Those who use the facility will have an opportunity to seek further information or to review the documents before a final decision is made regarding retention. Depending on Beneficiaries' level of interest in reviewing these records, the schedule can be adjusted.

Please let Maggie know if you have questions about the repository collections, the Research Facility, or the records retention review. She can be reached at (303) 364-8158.

**December 2006**

**Group 1 – approximately 8 ½ pallets (one month) – 333 Boxes Total**

*Non-Asbestos Related boxes: 247 boxes*

The following boxes contain records from plants or divisions unrelated to asbestos:

- 101 boxes related to Techite Litigation (non-asbestos pipe) from Heller, Ehrman
- 2 boxes related to the Fiberglass division
- 4 boxes related to the Holophane division (light bulbs)
- 1 box related to Formaldehyde products
- 9 boxes related to Mobile Home products
- 1 box from Defiance, OH plant (fiberglass)
- 2 boxes from Innisfail, AB plant (fiberglass)
- 4 box from Rockdale, IL plant (Perlite plant)
- 2 boxes from Franklin, PA plant (PVC pipe only)
- 18 boxes from McNary, OR plant (PVC pipe only)
- 10 boxes from Marysville, CA plant (PVC pipe only)
- 69 boxes from Pompano, FL plant (PVC pipe only)
- 24 boxes from San Leandro, CA plant (PVC pipe only)

*Medical records: 86 boxes*

There are 6 boxes of x-rays sent from Texas and Hawaii counsel.

There are 80 boxes of redacted medical and personnel records. These contain medical records and personnel files with all identifying information redacted. These boxes have only been ordered when reviewers did not seek assistance in selecting boxes for review. Following cursory review, further review has always been deemed unnecessary. These boxes may be of interest to medical researchers.

**January to April, 2007**

**Group 2 – approximately 62 pallets (four months) -- 2,482 boxes Total**

*Payroll Boxes*

These boxes consist of time cards, payroll printouts and expense reports. They represent payroll from all locations, including contract units. Few of these have been requested in the sixteen plus years the Manville Trust / CRMC have maintained the repository. Those that were reviewed were ordered in a general sweep of all boxes from a specific location. Nothing was copied and the boxes were rejected quickly by the reviewer.

**May 2007**

**Group 3** – approximately 12 pallets (one month) – 478 boxes total

*Subject & Product File Boxes:* 115 boxes

These boxes are copies of the documents found in the Denver Resource Center (“DRC”) subject and product files (which will be maintained as part of the ACRF). One group of boxes represents copies of the non-privileged documents from the files as they existed in 1983. The majority of the boxes represent copies of the DRC files as they existed in 1988, before they were transferred to the Manville Trust. When reviewers are told these are copies of the DRC files, these boxes are not requested.

*Collections 09, 20 and 23:* 363 boxes

These boxes contain paper copies of the 1983 Insurance Litigation “privileged” microfilm rolls. In 1988, prior to turning the documents over to the Trust, JM reviewed these documents and separated them into three categories: Privileged, Non-Privileged and Trade Secret. The Non-Privileged group (collection 09) was boxed and given to the Manville Trust for production. The Privileged and Trade Secret groups (collections 20 and 23) were boxed and transferred to the Manville Trust in 1993. The microfilm rolls from which these collections were made also were transferred to the Trust in 1993. Although these collections have been requested and reviewed over time, they represent copies of documents found on microfilm and in their original form in collection 11 which is being retained.

**June to August, 2007**

**Group 4** – approximately 39 ¼ pallets (three months) -- 1,569 boxes total

*Pre-Bankruptcy Case File Boxes:* 1,569 boxes

These boxes consist of pre-bankruptcy (pre-1982) asbestos health case files kept by Johns Manville’s legal department. Most of the files include a summons and complaint, correspondence and, for a few of the older files, discovery. These boxes have been reviewed for CRMC to locate settlement agreements. None have been requested in the past five years and none by Beneficiary reviewers. Any depositions found among these boxes will be retained.

**September to December, 2007**

**Group 5** – approximately 93 ½ pallets (four months) -- 3,743 boxes total

*Local Counsel Boxes:* 3,743 boxes

These boxes contain litigation files from the pre-bankruptcy claims era (pre-1982) and files from the Trust litigation period that ended more than a dozen years ago. They represent files from Texas, Oklahoma, California, Florida, Colorado, Illinois, Iowa, Missouri, Nebraska, New Mexico, Indiana, Pennsylvania, Ohio, Virginia and Hawaii. Any depositions found among these boxes will be retained.