IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CLARENCE BOREL §

VS. § CIVIL ACTION NO. 6449

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL §

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUL 6 - 1970
JAMES R. COONEY, CLERK
BY DEPUTY, Margaret Sweeney

ADDITIONAL ANSWERS OF THE DEFENDANT, UNARCO INDUSTRIES, INC., TO CERTAIN NUMBERS OF THE FIRST INTERROGATORIES PROPOUNDED BY PLAINTIFF

TO: THE PLAINTIFF, CLARENCE BOREL, AND MR. WARD STEPHENSON, STEPHENSON AND THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS, HIS ATTORNEY OF RECORD.

COMES NOW the Defendant, UNARCO INDUSTRIES, INC., pursuant to order of the Court entered on June 15, 1970, overruling its objections to certain interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, and files this, its answers to such interrogatories, within the time permitted by the Court. The answers to each interrogatory bears the same number as the interrogatory is numbered in the request.

Interrogatory No. 11:

This Defendant has no personal knowledge or information of the matters referred to or inquired about in this interrogatory.

Interrogatory No. 12:

This Defendant has no personal or independent knowledge or information concerning the matters referred to in this interrogatory.

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Interrogatory No. 13:

This Defendant has no personal knowledge or information concerning the matters referred to in this interrogatory.

Interrogatory No. 17:

This Defendant does not have sufficient knowledge or information of the matters contained in Interrogatory No. 17 to admit or deny the same or even to venture an opinion as to the causal connection between the disease stated and asbestos dust and fibers. This would seem to be a medical question which is not within the knowledge of this Defendant.

Interrogatory No. 19:

Again, this Defendant does not have sufficient information relating to the matters inquired about in this interrogatory to admit or deny the same or even to venture an opinion as to the connection between the stated disease and asbestos and does not know if such disease has been medically associated with asbestos. Again, this seems to be a medical question which is not within the knowledge of this Defendant.

Interrogatory No. 26:

No.

Interrogatory No. 27:

This Defendant is not familiar with Dr. Stewart's testimony.

Interrogatory No. 36:

In answer to Interrogatory No. 36, this Defendant has knowledge of some employees who had serious lung disease


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or death, but does not have any personal or independent knowledge that such was due to the inhalation of asbestos dust or fibers, but it was alleged that they suffered from Asbestosis or some type of similar lung disease. The employees in the Bloomington, Illinois Plant, their name, address and doctor, where known, are as follows: Emile Badovinatz, address unknown, Dr. Murray N. Paul, Chicago, Illinois; Jim Sumey, Bloomington, Illinois, treating doctor unknown; Edouard P. Kern, 14635 Keystone, Midlothian, Illinois, Dr. Harold Steinberg, Chicago, Illinois; George E. Winslow, Bloomington, Illinois, Dr. Paul G. Dick, Chicago, Illinois; Louis Novak, Bloomington, Illinois, doctor unknown; George Novak, 3301 Oak Avenue, Brookfield, Illinois, Dr. E. M. Stephenson, Bloomington, Illinois, Drs. Head and Hudson, address unknown. Employees at Patterson, New Jersey Plant: Charles Danheuser, 68 Old Homestead Road, Patterson, New Jersey, doctor unknown; Samuel McAteer, 121 Lafayette Street, Patterson, New Jersey; Martin Ragauskas, 120 Lafayette Street, Patterson, New Jersey; Matthew Grossi, 105 Elizabeth Street, Totowa Borough, New Jersey; Gardiner Rainey, 142 E. Main Street, Patterson, New Jersey, Joseph Pignatelli, 454-456 Kearney Street, Patterson, New Jersey and Nickolas Cotsakos, Building 13, Apartment 3F, Alexander Hamilton Project, Alabama Avenue, Patterson, New Jersey, The Patterson, New Jersey employees were treated by Drs. Selikoff and Bader.





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Interrogatory No. 43:

| Year | Total Sales | Products Containing Asbestos |
|---|---|---|
| 1960 | $11,798,374 | $ 4,016,401 |
| 1961 | 10,293,015 | 4,022,806 |
| 1962 | 14,762,620 | 2,798,538 |
| 1963 | 21,007,004 | 1,904,486 |
| 1964 | 26,555,263 | 1,002,796 |
| 1965 | 34,560,162 | 791,781 |
| 1966 | 38,137,596 | 854,871 |
| 1967 | 36,699,151 | 824,998 |
| 1968 | 33,030,095 | 709,497 |
| 1969 9 Months (Unaudited) | 28,815,047 | 728,149 |

Interrogatories Nos. 47 through 84:

This Defendant says that it does not have personal or independent knowledge of the workmen's compensation laws of states other than the State of Illinois and the State of New Jersey. This Defendant recognizes that states which have workmen's compensation law that covers occupational diseases would in reasonble probability include the disease of Asbestosis. Some states merely cover occupational diseases generally and the inclusion of specific occupational diseases, such as Asbestosis, is a matter of interpretation by Commissions, Boards or Courts. Some states specifically list Asbestosis as an occupational disease. This Defendant does not have sufficient knowledge or information by which it could answer

the remaining inquiries in this interrogatory as to the beginning dates of such laws and does not have sufficient knowledge or information upon which to predicate a sworn statement as to any other matters contained in these interrogatories.

Respectfully submitted,

VINSON, ELKINS, SEARLS & CONNALLY

By: Gerald P. Coley

Gerald P. Coley
First City National Bank Bldg.
Houston, Texas 77002 225-2411
ATTORNEYS FOR DEFENDANT,
UNARCO INDUSTRIES, INC.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared GERALD P. COLEY, known to me to be the person whose name is subscribed to the foregoing objections and answers to Plaintiff's interrogatories and who, being by me first duly sworn, did depose and say that the foregoing Answers to Interrogatories are true to the best of his knowledge, information and belief; that this verification is made by him because there is no officer of Unarco Industries, Inc. within the jurisdiction of this Court; that the sources of his information used in answering such interrogatories are the files and records of Unarco Industries, Inc. furnished to him for such purposes and investigation heretofore made in this case.

Gerald P. Coley



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SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by the said GERALD P. COLEY, to certify which witness my hand and seal of office this the 2nd day of July, 1970.

Geraldine Klein
Notary Public in and for
Harris County, Texas

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing objections and additional answers of the Defendant, Unarco Industries, Inc., to certain numbers of the first interrogatories propounded by Plaintiff was on the 2nd day of July, 1970, served upon Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for the plaintiff, by depositing the same in the United States mail, postage prepaid.

A copy was served on the following attorneys of record on the same date.

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Gerald P. Coley

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