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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUL 7 - 1970
JAMES R. GOONEY, CLERK
BY DEPUTY Margaret Lives

CLARENCE BOREL	§	
	§	
VS.	§	C. A. NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORP., ET AL	§	

SUPPLEMENTAL ANSWERS OF EAGLE-PICHER INDUSTRIES, INC. TO PLAINTIFF'S INTERROGATORIES

NOW COMES, Eagle-Picher Industries, Inc. and pursuant to the applicable Federal Rules of Civil Procedure, files herewith its Supplemental Answers to the first set of Interrogatories heretofore propounded by the Plaintiff as follows:

11. This Defendant has no information or independent knowledge of the matters referred to or inquired about in said Interrogatory. We do not recognize that this report is applicable to use of our product by construction workers.

12. This Defendant has no information or independent knowledge of the matters referred to or inquired about in said Interrogatory. We do not recognize that this report is applicable to use of our product by construction workers.

13. This Defendant has no information or independent knowledge of the matters referred to or inquired about in said Interrogatory. We do not recognize that this report is applicable to use of our product by construction workers.

16. This Defendant has insufficient knowledge as to the causes of lung cancer either to recognize or not recognize that it is caused by asbestos. Medical experts have long recognized that medical science has been unable to determine the cause of cancer.

17. This Defendant has insufficient information to give an opinion.

The Borel v. Fibreboard Case File (1969-1972), Supplemental answers to interrogatories
ACL Doc 10168 · Page 1 of 3
Published by AsbestosClaims.Law
asbestosclaims.law/library/10168/1

19. This Defendant has insufficient information to give an opinion.

26. No.

27. No.

43. This information is being obtained and will be furnished upon receipt.

47-84. (These Interrogatories inquire whether various states had a workman's compensation law covering the occupational disease of asbestosis beginning in a certain year.)

In Texas, asbestosis is a specific occupational disease by name. According to the statutes, asbestosis was added as an occupational disease by the Acts of 1947, 50th Legislature, Article 8306, Section 25.

In Missouri, asbestosis was included in the 1959 law (S.B. No. 167 §1) wherein it was indicated that the only employer liable for asbestosis would be the one in whose employment the employee was last exposed for a period of 90 days or more.

This Defendant does not have sufficient knowledge or information upon which to predicate a sworn statement to Interrogatories 47-84 other than as herein indicated.

ROYSTON, RAYZOR & COOK

By D K Eckhardt
Attorneys for Defendant,
Eagle-Picher Industries, Inc.

THE STATE OF TEXAS)
(
COUNTY OF HARRIS)

BEFORE ME, the undersigned authority, personally appeared Donald K. Eckhardt, Attorney for Defendant in the captioned

Published by AsbestosClaims.Law
asbestosclaims.law/library/10168/2

matter and stated that the foregoing Answers to Interrogatories are true and correct based upon information and belief.

D K Eckhardt

Donald K. Eckhardt

SUBSCRIBED TO AND SWORN BEFORE ME this 6th day of July, 1970.

Winfred M Milton

Notary Public in and for
Harris County, Texas

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Supplemental Answers to Interrogatories were mailed to attorney for Plaintiff, Ward Stephenson, Stephenson Building, Orange, Texas and to other attorneys of record this 6th day of July, 1970.

D K Eckhardt

Of Royston, Rayzor & Cook

Published by AsbestosClaims.Law
asbestosclaims.law/library/10168/3