IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP 25 1970
JAMES R. COONEY, CLERK
BY DEPUTY Virginia R. Sens

SAMUEL R. POTTER :

VS. : CIVIL ACTION NO. 6329

FIBREBOARD PAPER PRODUCTS:
CORPORATION ET AL :

CLARENCE BOREL :

VS. : CIVIL ACTION NO. 6449

FIBREBOARD PAPER PRODUCTS:
CORPORATION, ET AL :

J. J. CRAWFORD :

VS. : CIVIL ACTION NO. 6492

FIBREBOARD PAPER PRODUCTS:
CORPORATION ET AL :

SUPPLEMENTAL INTERROGATORIES PROPOUNDED TO DEFENDANT PANACON CORPORATION (PHILIP CAREY CORPORATION)

TO: DEFENDANT PANACON CORPORATION (PHILIP CAREY CORPORATION:

Plaintiffs hereby serve upon the above named defendant the following written interrogatories to be answered fully and fairly in writing under oath, which shall be signed by the person or persons making such answers, a copy of such answers to be served upon plaintiffs' attorneys within thirty (30) days after service herein, in accordance with Rule 33 of the Federal Rules of Civil Procedure:

1.

In connection with your answer to Supplemental Interrogatory No. 3, what material in your product produced

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since September 23, 1969 is smaller than asbestos dust or fibers?

2.

In considering the relative size of asbestos fibers and the material in your currently manufactured product, which produces five million parts of dust per cubic feet of air, which is the larger, asbestos fibers or the ingredient producing fifty million parts of dust per cubic feet of air?

3.

In answer to Supplemental Interrogatory No. 7, you omitted answering the part which asked when you got such information. Please give the exact date.

4.

In answer to Supplemental Interrogatory No. 7, you omitted answering that part of the question which asked what your company has done to advise those who might use your product of the information you claim you have obtained. Please set out in detail exactly what your company has done.

5.

Do employees of Philip Carey Corporation apply and install its products containing asbestos?

6.

Do the employees of Philip Carey Corporation apply and install products manufactured by the other defendants in these actions?

7.

If your answer to the preceding question is "Yes," then please state which of the defendants' products Philip Carey Corporation employees use or have used in the last ten years.

8.

Has Philip Carey Corporation warned its employees of any danger incident to the use and installation of products containing asbestos?

9.

If your answer to the preceding question is "Yes," please explain when, giving the date, and what, setting out the full context of such advice or notice, and setting out in your answer exactly to whom such advice or notice was given, giving their names and addresses or the class of worker or employee so that the same may be identified by plaintiffs.

10.

When did Union Carbide, Dow Chemical, Inc. and other of your customers who you refer to as "etc." become aware of

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the problems and threshold limits of your products containing asbestos which were used by them in their organizations? Give the exact date, advise exactly how you have such information and advise where you obtained such information, giving the names and addresses of such person or persons who furnished the same to you. Explain fully what problems Union Carbide, Dow Chemical, Inc., etc. are well aware of, setting out in detail the problems you refer to. Please explain in detail the threshold limits on products used in their organizations, or that is, Union Carbide, Dow Chemical, Inc., which you refer to in your answer to Supplemental Interrogatory No. 2.

11.

In your answer to Supplemental Interrogatory No. 6, you stated dust counts were made in April, 1967 in your plant and also at Union Carbide shops. Explain in detail why no dust counts were made prior to April, 1967.

12.

In your answer to Supplemental Interrogatory No. 6, you stated you have "been advised that Philip Carey meets current standards." Please explain who advised you, giving their names and addresses, what the advice was, and who has established any "current standards."

13.

In your answer to Supplemental Interrogatory No. 6, you stated, "Results of these tests have been given to Union Carbide, Dow Chemical and other significant users of this product." Please set out in detail the results of the tests which were given to Union Carbide, Dow Chemical and "other significant users of this product," and state (a) When such results were given, (b) where a copy of such results might be obtained, giving the full address, and (c) the names of "other significant users" to whom you refer in your answer to Supplemental Interrogatory No. 6.

14.

In the answers your attorney prepared to supplemental interrogatories submitted to Armstrong Cork Company, your co-defendant herein, in answer to Supplemental Interrogatory No. 2, it is indicated that "advice to purchasers concerning such values (speaking of threshold limit values) would probably have been ineffective and could have been adverse to the best interests of persons installing such products." Is it the contention of Philip Carey Corporation that advice to purchasers concerning threshold limit values have been given by Philip Carey Corporation, and (a) that such advice was effective, and (b) that such advice was to the best interest of persons installing such products?

STEPHENSON AND THOMPSON

By _____
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POTTER
BOREL
CRAWFORD

CERTIFICATE OF SERVICE BY MAIL

I, Ward Stephenson, hereby certify that a true and correct copy of the foregoing instrument was on this the 24 day of September, 1970, mailed to the following named attorneys:

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