IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
NOV 5 - 1970
JAMES R. COONEY, CLERK
BY DEPUTY Virginia K. Lowe

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	§	CIVIL ACTION NO. 6492
VS.	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

ANSWERS OF THE DEFENDANT, JOHNS-MANVILLE PRODUCTS CORPORATION TO INTERROGATORIES PROPOUNDED BY PLAINTIFFS

TO: PLAINTIFFS, SAMUEL R. POTTER, CLARENCE BOREL AND J. J. CRAWFORD, AND MR. WARD STEPHENSON, STEPHENSON AND THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS, THEIR ATTORNEY OF RECORD:

COMES NOW Defendant, Johns-Manville Products Corporation, and in response to Interrogatories propounded under Rule 33, Federal Rules of Civil Proceedure, files these it objections and answers subject thereto, within the period of time as extended by order of this Court.

Based upon information obtained from Defendant's employees, with the advice of its counsel, Defendant has attempted to furnish the information requested in the Interrogatories, but it reserves the right to amend or supplement its answers if it finds that inadvertant omissions or errors have been made or if additional or more accurate information becomes available. Such answers to each Interrogatory bear the same number as the request.

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INTERROGATORY NO. 1

Defendant objects to Interrogatory No. 1 for the following reasons:

(a) Said Interrogatory refers to "your so-called threshold limits" and this Defendant has no "threshold limits" but any "threshold limits" are those established by the American Conference of Governmental Industrial Hygienists.

(b) Because the question of "threshold limits" is irrelevant and immaterial because of the lack of agreement concerning "threshold limits".

Subject to the foregoing objections, Defendant has advised customers, both verbally and in writing, concerning "threshold limits".

INTERROGATORY NO. 2

No answer required.

INTERROGATORY NO. 3

Any reference to "threshold limit values" as used by Defendant in answering written Interrogatories previously propounded to it was to the "threshold limit value" of the American Conference of Governmental Industrial Hygienists, which since before World War II and until the present has been 5 million particles per cubic foot of air for asbestos dust.

INTERROGATORY NO. 4

Any information obtained by this Defendant regarding "threshold limits" was obtained from the publications of the American Conference of Governmental Industrial Hygienists. Defendant has received this information periodically since sometime before World War II, as the value adopted by the Conference has been republished from time to time.

INTERROGATORY NO. 5

Yes.

INTERROGATORY NO. 6

During 1970, the following scientific surveys were made utilizing the membrane filter technique at the following locations

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on the indicated dates:

Johns-Manville Sales Warehouse at	Tulsa, Oklahoma	-	April 15, 1970
"	Kansas City, Mo.	-	April 14, 1970
"	Detroit, Mich.	-	April 14, 1970
"	Miami, Florida	-	May 14, 1970
"	Tampa, Florida	-	May 13, 1970
"	Albany, New York	-	April 21, 1970
"	Wilkes-Barre, Pa.	-	April 23, 1970

R. W. Herbert Co., 271 Hollenbeck St., Rochester, N. Y.-July 22, 1970

The results were reported to Defendant's management. However, copies of the results are not available at this time.

INTERROGATORY NO. 7

Defendant objects to this Interrogatory for the following reasons:

(a) Because same inquires as to what "your company has done to advise those who might use your products" which is argumentative, irrelevant and immaterial.

(b) Because said Interrogatory is argumentative in that it inquires "if your company is one contending that some dust count constitutes a threshold limit" for the reason that by deffinition, a "threshold limit" is based upon a dust count.

Subject to the foregoing objections, Defendant has accepted the "threshold limit values" adopted by the American Conference of Governmental Hygienists. Defendant obtained this information from said Conference as explained in response to Interrogatory No. 4. The level which has to date been adopted by said Conference, is five (5) million particles per cubic foot of air.

Respectfully submitted,

John G. Tucker
Attorney at Law
ORGAIN, BELL & TUCKER
Beaumont Savings Building
Beaumont, Texas 77701

Gordon R Pate
GORDON R. PATE
1119 Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Johns-Manville
Products Corporation

The Borel v. Fibreboard Case File (1969-1972), Answers to plaintiffs' joint interrogatories
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THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

GORDON R. PATE, being duly sworn, upon oath states that he is the attorney of record for the Defendant, Johns-Manville Products Corporation, and authorized in the course of his employment to make and present the foregoing answers to Plaintiffs' Interrogatories which he does under said authority, and being cognizant of the matters therein set forth and based upon the information furnished him and the investigation conducted as to the subject matter of the Interrogatories, says that the said answers are true and correct.

Gordon R Pate
GORDON R. PATE

SWORN TO AND SUBSCRIBED TO before me, the undersigned authority, on this the 5th day of November, A. D., 1970.

Jean K. Boone
NOTARY PUBLIC In and For
Jefferson County, Texas

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing answers to Interrogatories was on the 5th day of November, A. D., 1970, forwarded to all counsel of record.

Gordon Pate
GORDON R. PATE

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CORPORATION ET AL :

MOTION TO TAKE JUDICIAL KNOWLEDGE

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW the plaintiffs in the above entitled and numbered action, and move the Court to take judicial knowledge of the fact that the various states of the United States enacted Workmen's Compensation Laws covering employees who contracted asbestosis in the course of their employment in the various years shown opposite the name of the various states:

Arizona	1943
California	1917
Colorado	1945
Illinois	1913
Maryland	1939
Pennsylvania	1937
Virginia	1944
Maine	1967
Montana	1965
Puerto Rico	1960

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