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FILED
4:10 P.M. September 29 1971
James R. Cooney, Clerk, U.S. Court
By Hazel E. Studdard DEPUTY

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLARENCE BOREL, Plaintiff	)	
VS.	)	CIVIL ACTION NO. 6449
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL, Defendants	)	

VERDICT OF THE JURY

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SPECIAL INTERROGATORY NO. 1

Do you find from a preponderance of the evidence that any of the Defendants listed below was negligent in any of the respects contended by Plaintiff, which negligence was a proximate cause of the injuries and death of the deceased?

Answer "Yes" or "No" opposite the named Defendant.

ANSWER:

Pittsburgh Corning Corporation No

Armstrong Cork Company No

Philip Carey Corporation Yes

Ruberoid Company, Division of GAF Corporation Yes

Johns-Manville Products Corporation Yes

Fibreboard Paper Products Corporation Yes

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SPECIAL INTERROGATORY NO. 2

Do you find from a preponderance of the evidence that any of the Defendants listed below committed some act of gross negligence as contended by the Plaintiff and that such act of gross negligence was a proximate cause of the death of the deceased?

Answer "Yes" or "No" opposite the named Defendant.

ANSWER:

Pittsburgh Corning Corporation No

Armstrong Cork Company No

Philip Carey Corporation No

Ruberoid Company, Division of GAF Corporation No

Johns-Manville Products Corporation No

Fibreboard Paper Products Corporation No

"Gross negligence" is defined as a heedless and reckless disregard for the rights of others.

"Heedless and reckless disregard" means that such an entire want of care as to indicate that the act, or failure to act, in question was a result of conscious indifference to the rights, welfare, or safety of the persons affected

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by it, and in order to establish "gross negligence" the burden is on the plaintiffs to show that defendant could or should have foreseen and prevented the injury and that the defendant acted with a degree of negligence which brought about the accident and injury.

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SPECIAL INTERROGATORY NO. 3

Do you find from a preponderance of the evidence that the deceased was guilty of contributory negligence and that such negligence was a proximate cause of the injuries and death of the deceased?

Answer "Yes" or "No."

ANSWER: Yes

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SPECIAL INTERROGATORY NO. 4

Do you find from a preponderance of the evidence that the warranties as contended for by the Plaintiff were violated by any of the Defendants listed below, which breach of warranty was a proximate cause of the injuries and death of the deceased?

Answer "Yes" or "No" opposite the named Defendant.

ANSWER:

Pittsburgh Corning Corporation Yes

Armstrong Cork Company Yes

Philip Carey Corporation Yes

Ruberoid Company, Division of GAF Corporation Yes

Johns-Manville Products Corporation Yes

Fibreboard Paper Products Corporation Yes

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SPECIAL INTERROGATORY NO. 5

What amount of money, if paid now in cash, would fairly and reasonably compensate the Plaintiff, Freida Borel, for the damages she sustained by virtue of the death of her husband?

Answer in dollars and cents, if any.

ANSWER:

Actual Damages

$68,000

Damages for Gross Negligence

None

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VERDICT OF THE JURY

We, the jury, return the above answers to the special interrogatories propounded to us herein as our verdict in this case.

9-29-71
Date

Roy L. Jenkins
FOREMAN OF THE JURY

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