See Common File with C.A. 6329, for discovery.

E

CIVIL DOCKET
UNITED STATES DISTRICT COURT

6429

Jury demand date: 11-13-69 (Owens-Corning)(D)
11-28-69 (Pittsburgh Corning) (D)
12-3-69 (Philip Carey Corp & Armstrong Cont.&Supply)

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
CLARENCE BOREL vs FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL*	Mr. Marlin Thompson For plaintiff: ~~Ward Stephenson~~ STEPHENSON & THOMPSON 712 Division Street P. O. Box 68 Orange, Texas 77630 **For Intervenor, National Surety Corp.** **George E. Murphy** **615 San Jacinto Bldg.** **Beaumont, Texas 77701**
Damages in total sum of $1,000,000.00, actual and exemplary, for permanent and severe injuries to plaintiff due to deleterious, poisonous and harmful substances in insulation manufactured by defendants and handled by plaintiff in his employment as an insulator; alleging negligence and carelessness of defendants.	For defendant: UNARCO INDUSTRIES, INC.: Gerald P. Coley, of WINSON, ELKINS, ~~SEARLS & CONNALLY~~ Andy Smith, First City Natl. Bank Bldg., Houston, Texas 77002 (See continuation sheet) For: FIBREBOARD PAPER PRODUCTS CORPORATION: George A. Weller WELLER, WHEELUS, ~~GREEN & BROCATO~~ P. O. Box 350 Beaumont, Texas 77704 **Co-Counsel: John H. Benckenstein** **Benckenstein & Norvell** **P. O. Box 551** **Beaumont, Texas 77701**

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-20-69	Clerk		~~1969~~	~~Stephenson~~		
			10-20	& Thompson	15 00	
			10-20	CA-201 #19		15 —
J.S. 6 mailed 11-30-71	Marshal		12-8-71	Geo. Weller	$ 5 00	(Appeal)
			12-13-71	CA-201 #23		5 —
Basis of Action:	Docket fee					
	Witness fees					
Action arose at:	Depositions					
##	12-17-5					

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D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Note
4-1-70	Filed ANSWER of the Defendant, Unarco Industries, Inc., to Plaintiff's First Amended Original Complaint.	
4-1-70	Filed Motion for Leave to File Cross-Action. (Unarco Industries,Inc.)	
4-1-70	Filed ANSWER of Unarco Industries, Inc. to Cross Action of Pittsburgh Corning Corporation.	
4-1-70	Filed ANSWERS and Objections of Defendant, Eagle-Picher Industries, Inc. to Interrogatories Propounded by Plaintiff.	
4-1-70	Filed Objections of Defendant, Eagle-Picher Industries, Inc., to Plaintiff's Motion for Discovery and Motion of Eagle-Picher Industries, Inc. to Limit and Restrict said Motion for Discovery.	
4-1-70	ORDER, signed by Judge Fisher and filed, GRANTS an extension of time until May 8, 1970, in which Defendant Armstrong Cork Company may prepare, file and serve its answers to the interrogatories served upon it by plaintiff's counsel and to answer or otherwise plead to plaintiff's motion for discovery. Attorneys notified.	V. 39 Pg. 13
4-2-70	Filed ANSWER of Defendant Armstrong Contracting and Supply Corporation to Interrogatories heretofore served upon Defendant's Counsel.	
4-2-70	Filed REPLY of Defendant, Philip Carey Corporation, to Plaintiff's Interrogatories.	
4-2-70	Filed Motion to Limit and Restrict Plaintiff's Motion for Discovery. (Philip Carey Corporation).	
4-6-70	Filed Johns-Manville Products Corporation's Notice of Taking Deposition of Clarence Borel.	
4-3-70	Filed Exhibit to Objections of Defendant Fibreboard Paper Products Corporation to Plaintiff's Motion for Discovery and to Limit and Restrict said Motion for Discovery.	
4-3-70	Filed Answers of the Defendant, Fibreboard Paper Products Corp. to INTERROGATORIES Propounded by Plaintiff.	
4-9-70	Filed MEMORANDUM BRIEF and Reply to Motions to Limit and Restrict Plaintiff's Motion for Discovery.	
4-17-70	Filed ANSWER of the Defendant RUBEROID COMPANY to First Set of INTERROGATORIES Propounded by Plaintiff.	
4-22-70	ORDER signed by Judge Fisher and filed, granting Defendant Unarco leave to file Cross-Action for indemnity and contribution as against all other defendants.	V. 39 P. 210
4-22-70	Filed CROSS-ACTION ofDefendant, Unarco Industries, Inc.	
4-23-70	Filed MOTION OF DEFENDANTS Regarding The Taking of Oral Deposition of Plaintiff, Clarence Borel.	
4-28-70	Filed Objections, and Subject Thereto, ANSWERS of the Defendant Armstrong Cork Company to INTERROGATORIES Heretofore Served upon Defendant's Counsel.	
4-29-70	Filed Transcript of proceedings held at Plaintiff's residence with reference to taking deposition.	
4-29-70	Filed ANSWER of Defendant RUBEROID COMPANY to Intervention.	
4-29-70	Filed ANSWER of Defendant RUBEROID COMPANY to Cross-Actions.	
4-29-70	Filed Motion for Leave to File Cross Action, by Defendant, Ruberoid Company.	
5-5-70	Filed ANSWER of Defendant, Eagle-Picher Industries, Inc., to Plaintiff's FIRST AMENDED COMPLAINT.	
5-7-70	Filed Plaintiff's MOTION to Compel Answers to First Set of Interrogatories to Defendants.	
5-12-70	Filed Reply of Fibreboard Corporation to Motion of Plaintiff to Compel Answers to First Set of Interrogatories to Defendants.	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-13-70	Filed Motion of Plaintiff to Dismiss Armstrong Contracting and Supply Corporation.	
5-14-70	Filed DEPOSITION and ANSWERS of the Plaintiff, MR. CLARENCE BOREL, taken by Order of the Court on April 30, 1970.	$?
5-14-70	Filed REPLY of Armstrong Cork Company to Motion of Plaintiff to Compel Answers to First Set of Interrogatories.	
5-14-70	Filed Interrogatories of Standard Asbestos Manufacturing & Insulating Company directed to Plaintiff.	
5-15-70	Filed Reply of Unarco Industries, Inc. to Motion of Plaintiff to Compel Answers to First Set of Interrogatories to Defendant.	
5-15-70	Filed Reply of Eagle-Picher Industries, Inc., to Motion of Plaintiff to Compel Answers to First Set of Interrogatories to Defendants.	
5-19-70	Filed Letter from Defendant Ruberoid Company stating that this Defendant Adopts Reply filed by Defendant Fibreboard Paper Products Corporation to Plaintiff's Motion to Compel Answers to first Set of Interrogatories to Defendant.	
5-22-70	ORDER signed by Judge Fisher and filed, dismissing Armstrong Contracting and Supply Corporation; said cause to continue as to remaining defendants herein. Attorneys notified.	V.40, P.110
5-25-70	Filed NOTICE OF TAKING DEPOSITION upon Written Interrogatories s served with Notice, by Plaintiff.	
5-25-70	Filed INTERROGATORIES propounded to Clarence Borel, Plaintiff, by his attorney.	
6-2-70	Filed DEPOSITION and ANSWERS of Clarence Borel, Plaintiff, taken upon written interrogatories.	
6-11-70	Filed MOTION to Suppress Deposition of Plaintiff, Clarence Borel, taken on May 28, 1970.	
6-15-70	Filed Plaintiff's Opposition to Motion to Suppress Deposition of Clarence Borel taken May 28, 1970.	
6-15-70	ORDER Ruling on Defendants' Objections to Interrogatories Propounded by Plaintiff, and ORDER Compelling Answers to said Interrogatories, signed by Judge Fisher and filed, SUSTAINS objections to certain interrogatories and OVERRULES objections to certain interrogatories. Further ORDERS that each defendant herein be required to honestly and fairly answer all interrogatories heretofore propounded to defendants by plaintiff, to which objections have not been sustained, within twenty days from date of this Order. Attorneys notified by certified copies of Order.	V. 40, P. 193
*6-22-70	Filed Reply of Defendant Standard Asbestos Manufacturing & Insulating Company to Plaintiff's Opposition to said Defendant's Motion to Suppress Deposition of Clarence Borel Taken May 28, 1970.	
6-19-70	Filed Supplemental Answers of the Defendant, Owens-Corning Fiberglas Corporation, to Interrogatories Propounded by Plaintiff.	
6-19-70	Filed Motion for Permission to File Amended Cross-Action, by Fibreboard Corp.	
6-19-70	Filed ANSWER of Fibreboard Corporation to Separate Cross-Actions of Each and All of the Defendants.	
*6-23-70	ORDER on Plaintiff's Motion for Discovery, Objections Thereto and Defendants' Motion to Limit and Restrict Such Motion for Discovery; signed by Judge Fisher and filed. Certified copy furnished all attorneys of record.	V.40, P.223
6-24-70	Filed Defendants' NOTICE of Deposition of DR. RAYMOND BENSKI, with attached Interrogatories to be propounded.	
6-24-70	Filed Defendants' NOTICE of Deposition of DR. KENNETH R. WATKINS, with attached Interrogatories to be propounded.	

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D. C. 116 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order o Judgment Not
6-26-70	ORDER of the Court Overruling Motion to Suppress Deposition of Clarence Borel taken May 28, 1970; signed by Judge Fisher and filed. Attorneys notified.	V.40, P.240
6-29-70	Filed Additional Answers of the Defendant, Fibreboard Corporation, to Certain Numbers of the First Interrogatories Propounded by the Plaintiff.	
6-29-70	Filed ANSWERS of Combustion Engineering, Inc., to Portion of Interrogatories Contained in First Set of Interrogatories.	
7-1-70	Filed Defendant Ruberoid Company's Supplementary Reply to Plaintiff's First Set of Interrogatories.	
7-6-70	Filed Additional Answers of the Defendant, Unarco Industries, Inc., to Certain Numbers of First Interrogatories Propounded by Plaintiff.	
7-6-70	Filed Further Answer of Compliance with Order on Plaintiff's Motion for Discovery. (Defendant Fibreboard Paper Products Corporation, Et Al.)	
7-7-70	Filed Supplemental ANSWERS of Eagle-Picher Industries, Inc., to Plaintiff's Interrogatories.	
7-7-70	Filed Additional ANSWERS of the Defendant Philip Carey Corporation to Certain Numbers of First Set of Interrogatories Propounded by Plaintiff.	
7-8-70	Filed ANSWER of Unarco Industries, Inc., in Compliance with Order on Plaintiff's Motion for Discovery.	
7-8-70	Filed ANSWER of Defendant, Unarco Industries, Inc., to the Cross Action of Defendant, Fibreboard Paper Products Corporation.	
7-9-70	Filed ANSWER of Philip Carey Corporation in Compliance with Order on the Plaintiff's Motion for Discovery.	
7-10-70	Filed Notice of Motion and Motion for Leave to Amend Complaint.	
7-10-70	Filed Motion for Leave to Amend Complaint.	
7-10-70	ORDER, signed by Judge Fisher and filed, Grants Leave to Amend Complaint. Attorneys notified.	V. 41, P. 43
7-10-70	Filed PLAINTIFFS' SECON D AMENDED ORIGINAL COMPLAINT.	
7-15-70	Filed ANSWER of Owens-Corning Fiberglas Corporation in Compliance with Order on Plaintiff's Motion for Discovery.	
7-15-70	Filed FIRST AMENDED ANSWER of Defendant, Fibreboard Corporation, to Plaintiffs' Second Amended Original Complaint, filed subject to this defendant's Motion to Strike Certain Allegations.	
7-20-70	Filed ANSWER of Defendant, Combustion Engineering, Inc., to Plaintiffs' Second Amended Complaint.	
7-21-70	Filed Further ANSWERS of Defendant Armstrong Cork Company to Plaintiff's INTERROGATORIES.	
7-27-70	Filed First Amended Original ANSWER of Johns-Manville Products Corporation to Plaintiffs' Second Amended Original Complaint.	
7-29-70	Filed Amended ANSWER of Armstrong Cork Company to Plaintiffs' Second Amended Original Complaint.	
7-29-70	Filed Amended ANSWER of Philip Carey Corporation to Plaintiffs' Second Amended Original Complaint.	
7-30-70	Filed First Amended ANSWER of the Defendant Unarco Industries, Inc. to Plaintiffs' Second Amended Original Complaint.	
7-30-70	Filed ANSWER of Defendant Combustion Engineering, Inc., to Cross-Actions.	
7-30-70	Filed ANSWER of Defendant Combustion Engineering, Inc., to Intervention.	
7-31-70	Filed Additional ANSWERS of Defendant Johns-Manville Corporation to Plaintiff's First set of Interrogatories.	
7-31-70	Filed Second Amended Original ANSWER of Defendant Owens-Corning Fiberglas Corporation to Plaintiffs' Second Amended Original Complaint	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-31-70	Filed ANSWER to Cross-Actions by Owens-Corning Fiberglas Corporation.	
7-31-70	Filed Motion of Owens-Corning Fiberglas Corporation for Leave to File Cross-Action.	
8-3-70	Filed Reply of Defendant Armstrong Cork Company to Plaintiff's Motion for Discovery and to the Court's Order Thereon.	
8-4-70	Filed Defendants NOTICE OF INTENTION TO TAKE ORAL DEPOSITIONS of Joseph Shrode and Paul E. Petrofsky of Houston, Texas on 8-11-70.	
8-7-70	Filed DISCLAIMER of surviving adult children of Plaintiff, Clarence Borel.	
8-13-70	Filed Plaintiff's AMENDED NOTICE of Taking Oral Deposition of Dr. Daniel E. Jenkins, M. D.	
8-24-70	Filed Plaintiff's Written INTERROGATORIES Propounded to Defendants.	
8-26-70	Filed MOTION to Postpone Pre-Trial and Trial until next term of Court agreed to by all parties.	
8-26-70	ORDER GRANTING CONTINUANCE of Pre-Trial and TRIAL of case until next Term of Court, signed by Judge Fisher and filed. Notice mailed all counsel.	V.41 P.203
8-31-70	Filed DEPOSITION of DR. RAYMOND BENSKI and DR. KENNETH R. WATKINS.	$?
9-4-70	Filed Plaintiff's NOTICE of Taking Oral Deposition of Dr. P. O. Jones, M. D.	
9-8-70	Filed ANSWER of Defendant, Eagle-Picher Industries, Inc. to Plaintiff's Second Amended Original Complaint.	
9-18-70	Filed MOTION of Deft. Combustion Engineering, Inc., for Extension of Time to Answer Plaintiff's Interrogatories.	
9-18-70	ORDER signed by Judge Fisher and filed, granting extension to October 5, 1970, for Deft. Combustion Engineering, Inc. to answer Plaintiffs' Interrogatories. Attorneys notified.	V.42, P.82
9-21-70	Filed ANSWERS of Deft. Owens-Corning Fiberglas Corp. to Interrogatories Propounded by Plaintiffs. (In C.A. Nos. 6449,6329 & 6492)	
9-22-70	Filed DEPOSITION of DR. DANIEL E. JENKINS, witness called by the Plaintiffs. (Filed in C.A. 6329)	$298.80
9-23-70	Filed ANSWERS of Armstrong Cork Company, Defendant, to Written Supplemental Interrogatories Propounded by Plaintiffs.	
9-23-70	Filed ANSWERS of Defendant Panacon Corp. (Philip Carey Corp.) to Interrogatories Propounded Under Rule 33, FRCP, served upon Defendant's Counsel on Aug. 25, 1970.	
9-23-70	Filed MOTION of Johns-Manville Products Corp. for Extension of Time to File Answers to Plaintiff's Interrogatories.	
9-23-70	ORDER Granting Johns-Manville Products Corp. an extension to Nov. 5, 1970, to answer Plaintiff's Interrogatories, signed by Judge Fisher and filed. Attorneys notified.	V.42, P.102
9-23-70	Filed MOTION of Fibreboard Corp., Eagle-Picher Industries, Inc. and Unarco Industries, Inc., for extension of time to answer Interrogatories.	
9-23-70	ORDER granting above Movants extension to Oct. 15, 1970, to respond to Interrogatories of Plaintiff, signed by Judge Fisher and filed. Attorneys notified.	V.42, P.100
9-23-70	Filed ANSWERS of Defendant, Standard Asbestos Mfg. & Insulating Co. to Plaintiffs' Interrogatories.	
9-25-70	Filed Plaintiffs' SUPPLEMENTAL INTERROGATORIES to Deft. Panacon Corp. (Philip Carey Corp.)	
9-25-70	Filed Plaintiffs' SUPPLEMENTAL INTERROGATORIES to Deft. Standard Asbestos Manufacturing & Insulating Co.	
9-30-70	Filed ANSWERS of Defendant, Combustion Engineering, Inc., to INTERROGATORIES Under Rule 33.	
10-12-70	Filed AGREEMENT by and between Plaintiffs and Defendants, In Civil Actions 6329, 6449, and 6492.	

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Not
10-15-70	Filed Answers of Defendant, Fibreboard Corporation, to INTERROGATORIES Propounded by Plaintiffs.	
10-15-70	Filed Answers of Defendant, Unarco Industries, Inc., to INTERROGATORIES Propounded by Plaintiffs.	
10-16-70	Filed Motion of Eagle-Picher Industries, Inc. for Extension of Time to October 25, 1970, to answer additional Interrogatories.	
10-16-70	ORDER, signed by Judge Fisher and filed, grants motion of Eagle-Picher Industries, Inc., for extension of time to answer additional interrogatories. Attorneys notified.	V. 42, Pg. 227
11-5-70	Filed PANACON CORP.'s ANSWERS to Plaintiffs' SUPPLEMENTAL INTERROGATORIES. (In Common File)	
11-5-70	Filed ANSWERS of Deft. JOHNS-MANVILLE PRODUCTS CORP. to INTERROGATORIES Propounded by Plaintiffs.	
11-18-70	Filed Plaintiff's MOTION to Take Judicial Knowledge. (In Civ. 6329, 6449 & 6492)	
11-19-70	Filed Plaintiff's MOTION for Partial Summary Judgment. (In Civ. 6329, 6449 & 6492)	
11-24-70	Filed Defendants' Motion for Extension of Time to Reply to Plaintiff's Motion for Partial Summary Judgment.	
11-24-70	ORDER, signed by Judge Fisher and filed, GRANTS each Defendant in this case an extension of time to and including Monday, December 7, 1970, within which to file a reply to plaintiff's motion for partial summary judgment. Attorneys notified.	V. 43, Pg.85
11-25-70	Filed Answer of Deft., Johns-Manville Products Corp., to Plaintiff's Motion for Discovery. (In common file)	
11-30-70	Filed Reply to Plaintiffs' Motion to Take Judicial Knowledge.	
12-3-70	Filed Replies to the Motion for Partial Summary Judgment.	
12-7-70	~~Filed Plaintiffs' Answer to Defendants' Replies to Motion for Partial Summary Judgment.~~	
12-2-70	Filed DEPOSITION of Dr. P. O. JONES, M. D. (Exhibits, X-Rays, placed on file cabinet.)	$80.0 (Pltf
12-8-70	Filed Plaintiff's Notice of Taking Oral Deposition of Dr. Kenneth R. Watkins.	
12-8-70	Filed Plaintiff's Notice of Taking Oral Deposition of Jerome T. Siedlecki, Asst. Director, American Medical Assn., Chicago, Ill.	
12-8-70	ORDER signed by Judge Fisher and filed, setting hearing for Monday, Dec. 21, 1970, at 10:00 a.m., on Plaintiff's Motion to Take Judicial Knowledge of enactment of Workmen's Compensation Laws of the various states. Attorneys notified.	V.43, P.144
12-10-70	ORDER Denying Plaintiff's Motion for Partial Summary Judgment, signed by Judge Fisher and filed. Attorneys notified.	V.43, P.145
12-16-70	Filed Motion of Plaintiffs and some of the Defendants in Civil 6329, 6449, and 6492, in re: The Filing of Depositions Taken, Interrogatories and Answers thereto, Request for Admission of Fact and Answers thereto, Samples of Products and Literature.	
12-17-70	Filed Defendants' Motion for Summary Judgment.	
12-17-70	Filed Memorandum Brief in Behalf of Defendants, Fibreboard Paper Products Corporation, Et Al.	
12-17-70	ORDER-JUDICIAL KNOWLEDGE, signed by Judge Fisher and filed, that for purposes of trial of these causes only, the statutes or laws of another State may be proven by furnishing copy to all attorneys of record at least 10 days before trial of case, and if no objections filed within 5 days this Court may take judicial knowledge of same. Attorneys notified. (In Civ. 6329, 6449 & 6492)	V.43, P.176

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-17-70	ORDER signed by Judge Fisher and filed, directing Clerk to set up common file in all three suits, to be designated "Common Depositions taken, Interrogatories and Answers thereto, Request for Admissions of Fact and Answers thereto, Samples of Products and Literature filed in Civil Actions Nos. 6329, 6449 and 6492". Attorneys notified.	V.43, P.177
12-17-70	Filed SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT of Defendant, Owens-Corning Fibreglas Corporation.	
12-28-70	Filed Plaintiff's NOTICE of Deposition and Written Interrogatories to be propounded to Administrator of Memorial Baptist Hospital, Houston, Texas.	
12-28-70	Filed Plaintiff's NOTICE of Deposition and Written Interrogatories to be propounded to Administrator of Doctors Hospital, Groves, Tex.	
12-28-70	Filed Plaintiff's NOTICE of Deposition and Written Interrogatories to be propounded to Dr. P. O. Jones, Houston.	
12-28-70	Filed Plaintiff's NOTICE of Deposition and Written Interrogatories to be propounded to Dr. Richard Kenneth Ricks, Houston.	
12-28-70	Filed BRIEF on the Point that the Cause of Action Asserted by Plaintiff is Barred by the Two Year Statute of Limitation of the State of Texas, and by the One Year Statute of the States of California and Louisiana, on Behalf of All Defendants of Record	
12-31-70	Filed Notice of Taking Deposition of MRS. THELMA FRIEDA BOREL by Defendants, on Oral Examination Pursuant to Rule 30 of Federal Rules of Civil Procedure.	
1-6-71	ORDER DENYING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT, signed by Judge Fisher and filed. Attorneys notified by certified copies of Order.	V. 44, P. 10
1-13-71	Filed Plaintiff's Application to the Court to Accelerate Time for Filing of Cross-Interrogatories.	
1-14-71	Filed Plaintiff's Application to the Court to Accelerate Time for Filing of Cross-Interrogatories (as to Administrator of Memorial Baptist Hospital, B. P. Bearden, Dr. P. O. Jones, and Dr. Richard Kenneth Ricks.)	
1-14-71	Filed NOTICE of DEPOSITION of Dr. Luis E. Mateo.	
1-14-71	Filed NOTICE of DEPOSITION of Dr. W. S. Harwell.	
1-14-71	Filed NOTICE of DEPOSITION of Dr. Paul S. Cullen.	
1-15-71	Filed ANSWERS to Direct Interrogatories Propounded to Jerome T. Siedlecki, by Plaintiffs	
1-19-71	Filed Defendants' Motion for Order that Depositions be Taken on Oral Examination or Alternatively for Leave to Cross-Examine Orally.	
1-19-71	ORDER, signed by Judge Justice with concurrence of Judge Steger, that in absence of Judge Fisher from the District, Judge Justice will consider and rule on certain motions requring immediate attention. Attorneys notified.	V. 44, P. 48
1-19-71	ORDER, signed by Judge Justice and filed, ORDERS, ADJUDGES AND DECREES that defendants herein file any cross-interrogatories they desire to propound to Administrator of Memorial Baptist Hospital; B. P. Bearden of Doctors Hospital, Groves; Dr. P. O. Jones and Dr. Richard Kenneth Hicks of Houston; within five days of receipt of this order. Attorneys notified.	V. 44, P. 49
1-19-71	ORDER, signed by Judge Justice and filed, directs defendants to file any cross-interrogatories to doctors who did pathological studies of Clarence Borel, deceased, and to radiologists who interpreted the x-rays of the deceased, within period of five days from date of receipt of this order. Attorneys notified.	V. 44, P. 50

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Not
		4 USC (P)
1-20-71	Filed DEPOSITION of Dr. Kenneth R. Watkins, with x-rays attached, (Taken by Plaintiffs).	
1-20-71	Filed Motion of Johns-Manville Products Corporation for order permitting it to withdraw for purpose of inspecting and copying all x-rays attached to depositions or filed independently of depositions in Civil Action 6449.	
1-20-71	ORDER signed by Judge Justice and filed, granting Defendant's Motion to take Depositions of Dr. Richard Kenneth Ricks, Dr. Paul S. Cullen, Dr. Luis E. Mateo and Dr. P. O. Jones, orally or to cross-examine Orally.	V.44 P.53
1-20-71	Certified copies of Order mailed all counsel & Tyler Office.	
1-20-71	Filed MOTION to Withdraw X-rays by Defendant, Johns-Manville Products Corporation.	
1-21-71	Filed ANSWER to Plaintiff's Second Amended Complaint by Defendant, Ruberoid Company.	
1-21-71	Filed ANSWER to Interrogatories by Defendant, Ruberoid Company, propounded by Plaintiff.	
1-21-71	ORDER, signed by Judge Steger and entered, grants Motion to Withdraw X-rays by Defendant, Johns-Manville Products Corporation.	V.44 Pg.63
1-22-71	Certified copies of Order mailed all counsel, and Tyler office.	
1-25-71	Filed CROSS-INTERROGATORIES by Johns-Manville Products, to be propounded to Dr. W. S. Harwell, a witness for Plaintiff.	
1-26-71	Filed CROSS-INTERROGATORIES by Johns-Manville Products, to be propounded bo Dr. P. O. Jones, a witness for Plaintiff.	
1-26-71	Filed DEPOSITION of PAUL SHELBY CULLEN, M.D.	--
1-26-71	Filed DEPOSITION of LOUIS A. MATEO, M.D.	--
1-28-71	Filed PRE-TRIAL STIPULATION and ORDER signed by Judge Fisher	
1-29-71	Filed FIRST AMENDED ORIGINAL ANSWER of Defendant Pittsburgh Corning Corporation to Plaintiff's Second Amended Original Complaint	
2-2-71	Filed ORDER Granting MOTION of Defendant Ruberoid Company (filed 4/29/70) for Leave to file Cross-Action against all other Defendants (JJF-NUNC PRO TUNC 4-29-70)	V.44- P.148
2-2-71	Filed CROSS-ACTION of Defendant Ruberoid Company against all other Defendants (in compliance with Order signed this date by JJF-NUNC PRO TUNC 4-29-70)	
2-2-71	Filed ORDER Granting Motion of Defendant Fibreboard Corporation (filed 6-19-70) for Leave to file Cross-Action against all other Defendants (JJF-NUNC PRO TUNC 1-5-71)	V44- P.146
2-2-71	Filed FIRST AMENDED CROSS-ACTION of Defendant, Fibreboard Corporation, against all other Defendants (In compliance with Order signed this date by JJF-NUNC PRO TUNC 1-5-71)	
2-2-71	Filed ORDER Granting Motion of Defendant Owens-Corning Fiberglas Corporation (filed 7-31-70) for Leave to file Cross-Action against all other Defendants (JJF-NUNC PRO TUNC 8-3-70)	V.44 P.147
2-2-71	Filed CROSS-ACTION of DEFENDANT, Owens-Corning Fiberglas Corporation against all other Defendants (in compliance with Order signed this date by JJF-NUNC PRO TUNC 8-3-70)	
2-1-71	Filed ANSWER of the Defendant, Pittsburgh Corning Corporation, to the SECOND SET of INTERROGATORIES Propounded by Plaintiffs	
2-1-71	Filed ADDITIONAL ANSWERS and AMENDED ANSWERS of the Defendant, Pittsburgh Corning Corporation, to the FIRST SET of INTERROGATORIES Propounded by Plaintiff	
2-3-71	Filed INTERLOCUTORY JUDGMENT signed by Judge Fisher, wherein: 1. Defendant Standard Asbestos Manufacturing & Insulating Co. to pay $4,225.55 to Plaintiff Thelma Freida Borel and her Attorney	

(Continued)

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-3-71	(Contd) out of which National Surety Corporation, Intervenor, to receive $1,225.55; 2. Claim of Plaintiff Thelma Freida Borel and Intervenor, against Defendant Standard Asbestos Manufacturing & Insulating Co. is DISMISSED. Interlocutory Judgment will not be final until Final Judgment entered in remainder of cause 3. Claim of Plaintiff and Intervenor shall continue against remaining Defendants	
2-3-71	Filed INTERLOCUTORY JUDGMENT signed by Judge Fisher, wherein: 1. Defendant Owens-Corning Fiberglas Corporation to pay $4,225.55 to Plaintiff Thelma Freida Borel and her Attorney, out of which National Surety Corporation, Intervenor, to Receive $1,225.55; 2. Claim of Plaintiff Thelma Freida Borel and Intervenor against Defendant Owens-Corning Fiberglas Corporation is DISMISSED. Interlocutory Judgment will not be final until Final Judgment entered in remainder of case; 3. Claim of Plaintiff and National Surety Corporation, Intervenor, shall continue against remaining Defendants	V.44, P.153
2-4-71	Notified Counsel	V.44, P.154
2-9-71	Filed Written DEPOSITION of B. F. BEARDEN	$25.00(P)
2-11-71	Filed Second Amended Original ANSWER of Johns-Manville Products Corporation to Plaintiff's Second Amended Original Complaint.	
2-11-71	Filed First Supplemental ANSWER of Defendant, Fibreboard Corporation, Amending its First Amended ANSWER to Plaintiff's Second Amended Original Complaint, fuled subject to this Defendant's Motion to Strike Certain Allegations.	
2-11-71	Filed OBJECTION of Defendant, Fibreboard Corporation, to the Dismissal of the Cross-Actions for Contribution Against the Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
2-11-71	Filed First Amended ANSWER of Defendant, Combustion Engineering, Inc., to Plaintiffs' Second Amended Original Complaint.	
2-16-71	Filed OBJECTION of Defendants, Armstrong Cork Company and Philip Carey Corporation, to the Dismissal of the Cross-Actions for Contribution Against the Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
2-16-71	Filed OBJECTION of Defendant, Combustion Engineering, Inc., to the Dismissal of the Cross-Actions for Contribution Against the Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
2-22-71	Filed OBJECTION of Defendant, Unarco Industries, Inc., to the Dismissal of the Cross-Actions for Contribution against the Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
2-22-71	Filed Second Amended Answer of the Defendant Unarco Industries, Inc. to Plaintiffs' Second Amended Original Complaint.	
2-24-71	Filed OBJECTION of Defendant, Pittsburgh Corning Corporation, to the Dismissal of the Cross-Actions for Contribution against Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
2-24-71	Filed First Supplemental ANSWER of Defendant, Pittsburgh Corning Corporation, Amending its First Amended Original Answer to Plaintiff's Second Amended Original Complaint, Filed Subject to this Defendant's Motion to Strike Certain Allegations (with attached Order.)	

D. C. 110 Rev. Civil Docket Continuation DATE	PROCEEDINGS	Date Order o Judgment Not
2-26-71	Filed OBJECTION of Defendant, Johns-Manville Products Corporation, to the Dismissal of the Cross-Actions for Contribution Against the Defendants, Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Company.	
*2-25-71	Filed Answers to Direct Interrogatories Administrator of Memorial Baptist Hospital, Houston, Texas	
3-10-71	Filed ORAL DEPOSITION of THELMA BOREL.	
3-3-71	Filed Notice and Written INTERROGATORIES to be Propounded by Plaintiff to Dr. Daniel E. Jenkins, of Houston.	
3-17-71	Filed ANSWERS TO DIRECT INTERROGATORIES of Dr. Richard Kenneth Ricks, witness called by Plaintiff.	
3-25-71	Filed Deposition and Answers of P. O. Jones, M.D., taken on behalf of the Plaintiff.	$?
4-13-71	Filed DESIGNATION of Representative, designating E. W. Torbohn as the representative of Fibreboard Corporation during the trial of this case.	
4-15-71	Filed DESIGNATION of Representative, designating A. P. Mueller and C. L. Hoshaw as the representative of Philip Carey Corporation during the trial of this cause.	
4-23-71	Filed Second Amended ANSWER of Armstrong Cork Company to Plaintiffs' Amended Original Complaint.	
4-23-71	Filed Second Amended ANSWER of Philip Carey Corporation to Plaintiffs' Second Amended Original Complaint.	
4-26-71	Filed Defendants' MOTION IN LIMINE TO SUPPRESS.	
4-29-71	Filed Plaintiff's Reply to Defendants' Motion in Limine to Suppress.	
4-30-71	Filed First Amended ANSWER of Defendant, Eagle-Picher Industries, Inc., to Plaintiff's Second Amended Original Complaint.	
5-5-71	Filed Names of Witnesses Who May Be Called by Defendant Philip Carey Corporation.	
5-5-71	Filed Names of Witnesses Who May Be Called by Defendant Armstrong Cork Company.	
5-4-71	Filed Deposition of Joseph Ralph Shrode.	$?
5-11-71	Filed Motion for Leave to File Second Amended Answer of Defendant, Fibreboard Corporation, to Plaintiffs' Second Amended Complaint.	
5-11-71	ORDER, signed by Judge Fisher and filed, grants permission to Defendant, Fibreboard Corporation, to file Second Amended Answer to Plaintiff's Second Amended Complaint. Attorneys notified.	V. 46, P. 24
5-11-71	Filed Defendant's, Fibreboard Corporation's, SECOND AMENDED ANSWER.	
5-13-71	Filed DESIGNATION of Representative of Combustion Engineering, Inc., to be Frank Christensen and A. S. Arwine.	
5-14-71	Filed Names of Witnesses who may be called by Defendant Fibreboard Corporation.	
5-14-71	Filed Names of Witnesses who may be called by Defendant Johns-Manville Products Corporation.	
5-14-71	Filed Names of Witnesses who may be called by Defendant Combustion Engineering, Inc.	
5-14-71	Filed letter from attorney for Defendant Ruberoid Company, Mr. Robert E. Barnes, listing names of witnesses who may be called by Defendant Ruberoid Company, and listing certain exhibits which may be offered; designating Richard Carter as its Corporate Representative; and transmitting a motion for introduction of deposition extracts by specific questions and answers, with proposed Order.	
5-14-71	Filed Defendant Ruberoid Company's Motion for Introduction of Deposition Extracts by Specific Questions and Answers.	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-14-71	Filed Deposition Summary of Dr. P. O. Jones, taken October 9, 1970.	
5-14-71	Filed copy of letter from Mr. Stephenson, Counsel for Plaintiff, addressed to opposing counsel and transmitting copies of the plaintiffs' summaries of 7 depositions; listing depositions and answers to be read at trial; listing exhibits which will be introduced; and enclosing copy of plaintiff's list of witnesses.	
5-14-71	Filed List of Witnesses to be Called by Plaintiffs.	
5-17-71	Filed Names of Witnesses who may be called by Defendant Unarco Industries, Inc.; Designation of Mr. Anthony Summers as Representative of Unarco Industries, Inc.; and Continuations of Deposition Summary of Dr. Daniel E. Jenkins taken on August 28, 1970; Deposition Summary of Dr. Paul Shelby Cullen taken on January 22, 1971; Deposition Summary of Dr. Louis A. Mateo taken on January 22, 1971. (All under one cover.)	
5-17-71	Filed Defendant's Summary of the Deposition of Dr. Kenneth Watkins	
5-17-71	Filed Summary of Deposition of Paul E. Petrofsky, taken January 26, 1971.	
5-17-71	Filed Name of Company Representative, and of Witnesses who may be Called by Defendant Pittsburgh Corning Corporation.	
5-18-71	Filed letter of E. Judge Elderkin, attorney, San Francisco, California, concerning California law, addressed to Mr. George A. Weller.	
5-18-71	Filed Amended Statement of Names of Witnesses who may be called by the Defendant, Fibreboard Corporation.	
5-18-71	Filed Amended Designation of Names of Witnesses who may be called by Defendant Philip Carey Corporation.	
5-18-71	Filed Amended Designation of Names of Witnesses who may be called by Defendant Armstrong Cork Company.	
5-19-71	Filed Designation of Names of Witnesses who may be called by Defendant Eagle-Picher Industries, Inc.	
5-19-71	Filed Defendant's Summary of First Portion of Deposition of Dr. Daniel E. Jenkins, taken August 28, 1970.	
7-8-71	Filed Deposition of Paul E. Petrofsky.	
7-21-71	Filed Answers to Direct and Cross Questions by Dr. W. S. HARWELL.	$36.00(P)
7-27-71	Filed MOTION of Defendant, Combustion Engineering, Inc., for Leave to File and Serve Second Amended Answer to Plaintiff's Second Amended Complaint	
7-30-71	ORDER, signed by Judge Fisher and filed, grants leave to Combustion Engineering, Inc., to file a Second Amended Answer to Plaintiffs' Second Amended Complaint. Attorneys notified.	V. 47 P. 101
7-30-71	Filed SECOND AMENDED ANSWER of Combustion Engineering, Inc., to Plaintiffs' Second Amended Complaint.	
8-6-71	Filed Notice of Taking Deposition on Oral Examination Pursuant to Rule 30 of the Federal Rules of Civil Procedure.	
* 9-3-71	ORDER, signed by Judge Fisher and filed, GRANTS Plaintiff's Motion in Limine and orders that counsel for defense shall refrain from making any mention that recovery by plaintiff would or would not be subject to Federal income taxation, or other form of taxation. Attorneys notified.	V. 48, P. 13
9-15-71	Filed Plaintiff's Motion to the Court to Excuse duPont Employees from Jury Panel.	
9-15-71	Filed Defendants' Reply to Plaintiffs' Motion to Excuse duPont Employees from Jury Panel.	
9-15-71	Filed Motion of Defendants to Submit this Case upon Special Interrogatories under Rule 49(a).	
9-10-71	Filed Court Reporter;s Transcript of Charge of Court and Objections.	

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DATE	PROCEEDINGS	Date Order o Judgment Not
9-15-71	**Filed Defendants' Requested Special Interrogatories.**	
9-15-71	**Filed Defendants' Requested General Charges.**	
9-20-71	Filed Defendants' Objection to Limiting the Number of Peremptory Challenges to be Exercised by Defendants to Nine, and to the Allowance to Plaintiff of More than Three Peremptory Challenges, to Wit, Six	
9-20-71	Jury Selected, Set for Trial 9/21/71. (Part of Opening Statements made on 9/20/71)	
9-20-71	Filed DEPOSITION of DR. WILLIAM CLARK COOPER	$
9-20-71	Filed ANSWER and DEPOSITION of PERCY LA GRAPPE	$76.00(
*9-3-71	Filed Plaintiff's MOTION IN LIMINE	
9-27-71	**Filed Defendant's Fibreboard Corporation's Motion for a Directed Verdict at the close of Plaintiff's Evidence.**	
9-27-71	**Filed Second Supplemental Answer of Defendant, Fibreboard Corporation, Amending its Second Amended Answer to Plaintiffs' Second Amended Petition.**	
9-27-71	**Filed Defendant's Ruberoid Company's Motion for a Directed Verdict at Close of all of Plaintiffs' Evidence.**	
9-28-71	**Filed Motion of Defendant, Combustion Engineering, Inc., for Judgment at the Close of All the Evidence.**	
9-20-71	Filed ORDER signed by Judge Fisher OVERRULING Defendants' and Cross-Plaintiff's Objection with Respect to Peremptory Challenges	V.48-P.78
9-20-71	Filed ORDER signed by Judge Fisher GRANTING Motion of Defendant Pittsburgh Corning Corporation that Dismissal of Defendants Owens-Corning Fiberglas Corporation and Standard Asbestos Manufacturing and Insulating Co. shall be without prejudice to right of Defendant to assert its cross-action against cross-defendants.	V.48-P.79
9-20-71	Filed ORDER signed by Judge Fisher GRANTING Motion of Defendant Johns-Manville Products Corporation that Dismissal of Defendants Owens-Corning Fiberglas Corp. and Standard Asbestos Manufacturing and Insulating Co. be without prejudice to rights of Defendant to assert cross-action against cross-defendants	V.48-P.80
9-20-71	Filed ORDER signed by Judge Fisher GRANTING Motion of Armstrong Cork Co. and Philip Carey Corporation that Dismissal of Defendants Owens-Corning Fiberglas Corp.and Standard Asbestos Mfg. and Insulating Co. be without prejudice to rights of Deft. to assert cross-action against cross-defendants.	V.48-P.81
9-20-71	Filed ORDER signed by Judge Fisher GRANTING Motion of Febreboard Corporation that Dismissal of Defendants Owens-Corning Fiberglas Corp. and Standard Asbestos Mfg. and Insulating Co. be without prejudice to rights of Deft. to assert cross-action against cross-defendants.	V.48-P.90
9-20-71	Filed STIPULATION signed by all Parties and by Court in regard to Settlement with two of Defendants, Unarco Industries, Inc. and Eagle-Picher Industries, Inc. Cross Actions to remain in effect.	V.48-P.82
9-21-71	Filed MOTION of Defendant, Combustion Engineering, Inc., for Dismissal	
9-27-71	Filed MOTION of Defendant Armstrong Cork Company for a Directed Verdict at Close of Plaintiff's Evidence	
9-27-71	Filed MOTION of Defendant Philip Carey Corporation for a Directed Verdict at the Close of Plaintiff's Evidence	
9-27-71	Filed MOTION of Defendant Pittsburgh Corning Corporation for a Directed Verdict at the Close of Plaintiff's Evidence	
9-28-71	Filed Defendant Ruberoid's Specially Requested Instructions Nos. 1-9	
9-27-71	Filed ORDER signed by Judge Fisher Granting Motion of Defendants' to Submit Case on Special Interrogatories	V.48-P.83
9-27-71	Filed MOTION of Defendant Fibreboard Corporation for a Directed Verdict at the Close of All of the Evidence	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-27-71	Filed MOTION of Defendant Johns-Manville Products Corporation for a Directed Verdict at the Close of All of the Evidence	
9-28-71	Filed MOTION of Defendant Ruberoid Company for a Directed Verdict at the Close of All of the Evidence	
9-28-71	Filed MOTION of Defendant Combustion Engineering, Inc. for Judgment at the Close of All the Evidence	
9-28-71	Filed ORDER signed by Judge Fisher GRANTING Motion of Defendant Combustion Engineering, Inc. for Judgment, and Plaintiff and Cross-Plaintiffs to recover nothing from this Defendant.	V.48-P.85
9-28-71	Filed STIPULATION signed by Parties and by Court in Regard to Compromise and Settlement made between Plaintiff and Intervenor with following Defendants: Owens-Corning Fiberglas Corp., Standard Asbestos Mfg. & Insulating Co., Unarco Industries, Inc. and Eagle-Picher Industries, Inc. V.48,P.86	
9-28-71	Filed ORDER signed by Judge Fisher OVERRULING Motions of All Defendants for an Instructed Verdict at close of All of Evidence	V.48-P.87
9-21-71	through September 29, 1971 - Case in Trial.	
9-29-71	4:10 P.M. - Filed VERDICT OF THE JURY Finding that: Four of Defendants Negligent; None of Defendants Guilty of Gross Negligence; Plaintiff(Clarence Borel) Guilty of Contributory Negligence; Breach of Warranty Violated by All Six Defendants Still Left in Case, and Sum of $68,000.00 Awarded to Plaintiff, Freida Borel.	
10-7-71	Filed Plaintiff's Motion for Judgment.	
10-13-71	Filed Defendant's Motion for Judgment on the Verdict of the Jury; In the Alternative, Defendant's Motion for Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B; and in the Further Alternative, Defendant's Motion for a New Trial. (Fibreboard Corp.)	
10-19-71	Filed BRIEF in Support of Defendant's Motion for Judgment on the Verdict, or in the alternative, for Judgment notwithstanding the Verdict of the Jury.	
10-15-71	Filed Motion of Pittsburgh Corning Corporation for Judgment, Notwithstanding the Verdict of the Jury Under Rule 50-B.	
10-15-71	Filed Defendant's Motion for Judgment on the Verdict of the Jury; In the Alternative, Defendant's Motion for Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B; and in the further Alternative, Defendant's Motion for a New Trial.(Pittsburgh Corning)	
10-18-71	Filed Defendants' Motion for Judgment on the Verdict of the Jury; In the Alternative, Defendants' Motion for Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B; and in the further Alternative, Defendants' Motion for a New Trial. (Armstrong Cork & Philip Car	
10-18-71	Filed Defendant Johns-Manville Products Corporation's Motion for Judgment on the Verdict of the Jury; In the Alternative, Defendant's Motion for Judgment Notwithstanding the Verdict of the Jury.	
10-25-71	Filed Plaintiff's BRIEF in Reply to Defendant's Brief.	
10-25-71	Filed Plaintiff's Motion for New Trial.	
10-25-71	Filed Plaintiff's Exceptions to the Court's Charge.	
10-25-71	Filed Defendant Ruberoid Company's Motion for Judgment on the Verdict of the Jury; In the Alternative, Defendant's Motion for Judgment Notwithstanding the Verdict of the Jury.	
11-5-71	INTERLOCUTORY JUDGMENT, signed by Judge Fisher and filed, ORDERS and DECREES that the suit and claim of Thelma Frieda Borel, Plaintiff, and the claim and intervention of National Surety Corporation, against the defendant UNARCO INDUSTRIES, Inc., be and the same is hereby, in all things, DISMISSED. This judgment is entered as an Interlocutory Judgment and will not be final until Final Judgment is entered.	V.49 P.35

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DATE	PROCEEDINGS	Date Order or Judgment Noted
11-5-71	ORDER, signed by Judge Fisher and filed, sets hearing on Motion for Judgment on Verdict of the Jury; in the alternative, Motion for Judgment Notwithstanding the Verdict of the Jury; and in the further alternative, Motion for New Trial of the defendant, FIBREBOARD CORPORATION; ~~xxxxx~~ for 5th day of November, 1971, at 10:00 a.m, Attorneys present.	V. 49 Pg. 34
11-5-71	INTERLOCUTORY JUDGMENT, signed by Judge Fisher and filed, ORDERS, ADJUDGES and DECREES that the suit and claim of Thelma Frieda Borel, Plaintiff, and the claim and intervention of National Surety Corporation, against the defendant, EAGLE-PICHER INDUSTRIES, INC., be and the same is hereby in all things DISMISSED. This judgment entered as an Interlocutory Judgment and will not be final until Final Judgment is entered on the remainder of the case. Attorneys notified.	V. 49, P. 36
11-16-71	ORDER OVERRULING THE SEPARATE MOTION FILED ON BEHALF OF PITTSBURGH CORNING CORPORATION FOR JUDGMENT NOTWITHSTANDING THE VERDICT OF THE JURY UNDER RULE 50-B, signed by Judge Fisher and filed, orders that said separate motion on behalf of said defendant is overruled, and Judgment has this day been entered in favor of the Plaintiff, to whch ruling of the Court the Defendant, Pittsburgh Corning Corporation duly and timely excepts. Attorneys notified.	V. 49, P. 71
11-24-71	ORDER, signed by Judge Fisher and entered, overruling Plaintiff's Motion for New Trial.	V.49 Pg.115
11-26-71	Certified copies mailed all counsel of record.	
11-26-71	Filed REQUEST FOR TRANSCRIPT OF PROCEEDINGS of defendants, Fibreboard Paper Products, Pittsburgh Corning Corporation, Armstrong Cork Company, Ruberoid Company, Johns-Manville Products Corporation and Philip Carey Corporation.	
11-30-71	Filed ORDER signed by Judge Fisher Overruling Defendants' Motion for Judgment on the Verdict of the Jury; also Overruling Defendants' Alternative Motion for Judgment Notwithstanding the Verdict of the Jury under 50(b), and Overruling Defendants' Further Alternative Motion for New Trial	V.49- Pg.133
11-30-71	Filed ORDER signed by Judge Fisher Overruling Plaintiff's Motion for New Trial (This Order Supersedes and Vacates Order entered November 24, 1971, Denying Plaintiff's Motion for New Trial)	V.49- Pg.132
11-30-71	Filed JUDGMENT signed by Judge Fisher, Finding as Follows: Plaintiff Awarded Sum of $79,436.24, which includes $68,000.00 damages awarded by jury, $9,783.30 for Medical Expenses of Deceased and $1,652.94 for Funeral Expenses; Four of Original Defendants: Standard Asbestos Mfg. & Insulating Co; Unarco Industries, Inc.; Owens-Corning Fiberglas Corp.; Eagle-Picher Industries, Inc. - having previously Settled by Stipulation with Plaintiff for Sum of $20,902.20, leaving Sum of $58,534.04, with interest at rate of 6% per annum from date of entry of judgment, with costs of Court, to be recovered from remaining Defendants: Fibreboard Corporation; Pittsburgh-Corning Corporation; Johns-Manville Products Corporation; Philip Carey Corporation Armstrong Cork Company Ruberoid Company	V. 49 Pg. 134

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-30-71	Judgment (Continued):	
	Intervenor, National Surety Company entitled to Judgment for Sum of $8,578.85 out of Sum recovered by Plaintiff;	
	Motion for Instructed Verdict of Combustion Engineering, Inc. having previously been Granted by Court, Plaintiff to recover nothing from this Defendant.	
12-2-71	Notified Counsel of Record	
12-8-71	Filed NOTICE OF APPEAL to U.S.Court of Appeals, Fifth Circuit, from Final Judgment entered November 30, 1971, by Defendants: Fibreboard Corporation; Pittsburgh Corning Corporation; Johns-Manville Products Corporation; Philip Carey Corporation; Armstrong Cork Company; and Ruberroid Company.	
12-9-71	Certified copies of Notice of Appeal mailed to Ward Stephenson,Orange,Texas; Gerald P.Coley,Houston, Texas; Charles S. Pipkin,Beaumont, Texas; Ben L. Reynolds, Houston, Texas; John H.Benckenstein,Beaumont, Texas; Dale Dowell, Beaumont, Texas; George E. Murphy,Beaumont, Texas; James W. Mehaffy, Beaumont, Texas; John G. Tucker, Beaumont, Texas; Clerk, Fifth Circuit Court of Appeals, New Orleans, La; and U.S.Court Reporter,Beaumont.	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Fibreboard Corporation (National Surety Corporation).	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Pittsburgh Corning Corporation (Travelers Indemnity Company).	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Philip Carey Corporation (Fidelity & Deposit Company of Maryland).	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Armstrong Cork Company (Aetna Casualty and Surety Company).	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Johns-Manville Products Corporation (Travelers Indemnity Company).	
12-8-71	Filed BOND FOR COSTS ON APPEAL in sum of $250.00 by Defendant Ruberoid Company (Insurance Company of North America).	
12-10-71	Filed Affidavit in Support of Motion to Proceed on Appeal in Forma Pauperis and Permission (attached to Affidavit) signed by Judge Fisher to Proceed on Appeal in Forma Pauperis	V.49-P.188
12-10-71	Notified Counsel of Record	
1-7-72	Filed MOTION for Extension of Time for Transmitting Appeal Record, by U.S. Court Reporter.	
1-7-72	ORDER GRANTING an Extension of Time up to and Including March 7, 1972, for Transmitting Record on Appeal to Fifth Circuit Court of Appeals, signed by Judge Fisher and filed.	V.50 P.33
1-10-72	Certified copy of ORDER mailed to Ward Stephenson,Orange, Texas; Gerald P. Coley, Ben L. Reynolds, and W.N.Arnold,Jr., all of Houston, Texas; Clerk,Fifth Circuit Court of Appeals,New Orleans, La; and Charles S. Pipkin, John H.Benckenstein, Dale Dowell, George E. Murphy, James W. Mehaffy, John G. Tucker, George Weller, George E. Duncan, Gordon R.Pate, and Robert E. Barnes, Jr., all of Beaumont, Texas.	
1-26-72	Filed DESIGNATION OF DOCUMENTS to be Printed in Appendix in Connection with Appeal by Defendants, Fibreboard Corporation; Pittsburgh Corning Corp; Philip Carey Corp; Armstrong Cork Company; Johns-Manville Products Corp; and Ruberoid Company.	
1-26-72	Filed SUPPLEMENTAL DESIGNATION of Documents to be Printed in Appendix in Connection with Appeal by Defendant, Pittsburgh Corning Corporation.	
1-31-72	Filed Plaintiff's DESIGNATION of Documents to be Pinted in Appendix in Connection with Appeal.	
2-11-72	Filed Defendants' OBJECTION to Plaintiff's Designation of Instruments to be Printed in Appendix.	
2-11-72	Filed AMENDED DESIGNATION OF DOCUMENTS TO BE Printed on Behalf of Defendants in Appendix in Connection with Appeal.	

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DATE	PROCEEDINGS	Date Order or Judgment Note
2-22-72	Filed Court Reporter's TRANSCRIPT OF TRIAL PROCEEDINGS in Six (6) Volumes.	
3-2-72	Record on Appeal and Exhibits mailed to Fifth Circuit Court of Appeals, New Orleans, La.	
4-12-72	Filed ANSWERS TO WRITTEN INTERROGATORIES by DR. DANIEL E. JENKINS (Filed in CA # 6492).	-0-
5-28-74	JUDGMENT issued as Mandate May 23, 1974, by Fifth Circuit Court of Appeals, affirming. Copies to all attorneys of record.	
5-28-74	OPINION on merits by Fifth Circuit Court of Appeals.	
5-28-74	OPINION denying petition for rehearing en banc, by Fifth Circuit Court of Appeals.	
5-28-74	Record on appeal and exhibits received from Fifth Circuit Court of Appeals.	
6-28-74	Filed Defendants-Appellants' REQUEST FOR CERTIFIED RECORD.	
10-31-74	Received notification letter dated October 30, 1974 from the United States Court of Appeals, Fifth Circuit, to the effect they had received certified copy of Order of the Supreme Court denying certiorari in cause. The Fifth Circuit Court of Appeals' judgment having been issued as mandate, no further order will be forthcoming.	
11-25-74	MOTION TO WITHDRAW EXHIBITS, by Plaintiff.	
12-3-74	ORDER Granting Plaintiff's Motion to Withdraw Exhibits.	V.65-
12-4-74	Notified Counsel	P.120

DATE	PROCEEDINGS	Date Order or Judgment Noted

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