IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION.

| | | |
|---|---|---|
| LUIS PEREZ | ) | |
| | ) | |
| vs. | ) | No. 43672 |
| | ) | |
| JOHNS-MANSVILLE PRODUCTS CORPORATION, a corp. | ) | |

AFFIDAVIT OF CLEMENT W. K. BRIGGS, M. D.

CLEMENT W. K. BRIGGS, being first duly sworn on oath deposes and says that he is a physician duly licensed to practice medicine in the City of Chicago and State of Illinois, and that his office is located at 160 N. La Salle St., Chicago.

Affiant further states that on September 18th, 1934, he first examined the plaintiff, Luis Perez, and on that date found the physical condition of the patient to be critical, and such examination was verified by your affiant's inspection of x-rays of the chest of said plaintiff made on or about the said date, which showed as follows:

> Patient's heart to be very much enlarged; temperature was 106 degrees; that he was constantly subjected to coughing to the extent that it interfered with the patient's ability to speak.

From the diagnosis then made and a further examination on, to wit, January __ 1935, which was made for the purpose of this affidavit and to find out if any advancement of the patient's condition would then be shown, such examination showing no improvement, it is the opinion of this Affiant that the said plaintiff is now suffering from an advanced stage of pneumoconiosis and asbestosis, with an advanced stage of tuberculosis, and it is further the opinion of this affiant from the history of the employment of the said plaintiff, the condition of advanced pneumoconiosis, asbestosis and tuberculosis was contracted by reason of contact with and inhalation of asbestosis and cement dust; that the said



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plaintiff should have been hospitalized from the 18th day of September, 1934 to the present date; that the prognosis is bad; that the said plaintiff's physical condition is such in the opinion of your Affiant, that if the above entitled cause is placed on the ordinary trial calander and awaits its turn of trial for the period of a year to a year and one-half, the said plaintiff will not be physically able to appear in Court and there is a strong probability that the said plaintiff will not survive the attack of such disease; that it is the opinion of this Affiant that the plaintiff, Luis Perez, will not live for more than a year and may likely die in less time.

Your Affiant makes this affidavit for the purpose of advising the District Court of the United States for the Northern District of Illinois, Eastern Division, of the present physical condition of the said plaintiff, Luis Perez, and your Affiant urges the Court to advance the said cause for trial at the earliest date to be set by the Court so that the testimony of the said plaintiff, Luis Perez, may be had.

And further your Affiant sayeth not.

Clement W. K. Briggs MD

Subscribed and sworn to before me this 24 day of January, 1935.

Notary Public.

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