UNITED STATES OF AMERICA
NORTHERN DISTRICT OF ILLINOIS } ss.
EASTERN DIVISION

IN THE DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GEORGE RUSKELL

vs. No. 43218

JOHNS-MANVILLE PRODUCTS CO., a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation.

ANSWER

JOHNS MANVILLE PRODUCTS CORPORATION, a corporation, and JOHNS MANVILLE SALES CORPORATION, a corporation, by Heth, Lister & Collins, their attorneys, answering the complaint of the plaintiff in this action:

(1) Deny that on the dates and occasions in plaintiff's complaint set forth, the defendants, or either of them, owned or operated the factory alleged, or that plaintiff was employed by or worked for defendants, or either of them.

(2) Deny that any fumes, gases, or dusts arose from any work done or process operated by plaintiff, or that plaintiff was exposed to the inhalation of any fumes, gases, or dusts.

(3) Deny that defendants knew, or should have known, that the inhalation of any dusts, fumes, or gases to which plaintiff is alleged to have been exposed was apt to or did produce illness or disease to the plaintiff of which the plaintiff now complains, or that any such illness or disease is, or was, peculiar to the work or operations carried on or used in said business, or that any such

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work or operation subjected plaintiff to dangers of illness or disease incident to such work or process to which employees were, or are, not ordinarily exposed in other lines of employment.

(4) Deny that plaintiff was caused to or did, during the time in plaintiff's complaint alleged, or any other time, necessarily, or otherwise, inhale large quantities of silica dusts, or other fumes, gases, or dusts, through his nose, mouth, or otherwise, or that any silica dust or other fumes, gases, or dusts became lodged in plaintiff's throat or lungs, or caused any illness or disease in plaintiff, and further deny that plaintiff was in the exercise of due care and caution for his own personal health and safety.

(5) Deny that plaintiff was exposed to various fumes, gases, and dusts of dangerous character, or that any such exposure could or would result in any illness or disease.

(6) Deny that plaintiff has contracted silicosis or any other occupational disease, or that as a result of any occupational disease, or other illness arising out of his work, plaintiff has lost weight, or has been incapacitated or weakened so that he cannot perform any work for which he is fitted, or that plaintiff has suffered mental or physical pain or anguish, or will continue to suffer such, for any length of time, or that plaintiff has become liable for, or expended, any sums of money in and about endeavoring to be cured, or has been kept from his usual occupation,or lost pecuniary gains which he might have made had he been employed,

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by reason of any such occupational disease or illness arising out of his employment.

(7) Deny that defendants wilfully failed to provide reasonable or approved devices, methods, or means for the prevention of occupational disease incident to such employment; deny that there were in and about said factory, no proper suction fans or other apparatus provided for collecting fumes, gases, or dusts in the room in said factory where plaintiff was employed, or that defendants failed to provide masks or respirators, or other apparatus to be used or worn by the plaintiff to protect him from inhaling any fumes, gases, or dusts in the air.

(8) Deny that they negligently failed to remove, so far as practicable, by either ventilation or exhaust devices, any injurious fumes, gases, or dusts in the room in which plaintiff worked, contrary to statute.

(9) Deny that they negligently caused or permitted premises to be so swept as to raise dust contrary to statute.

(10) Deny that plaintiff sustained damage in the sum of Fifty Thousand ($50,000) Dollars, or any sum whatsoever.

Johns-Manville Products Corporation
Johns-Manville Sales Corporation
By Keith Lester & Dallmus
Their attorneys.

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