GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

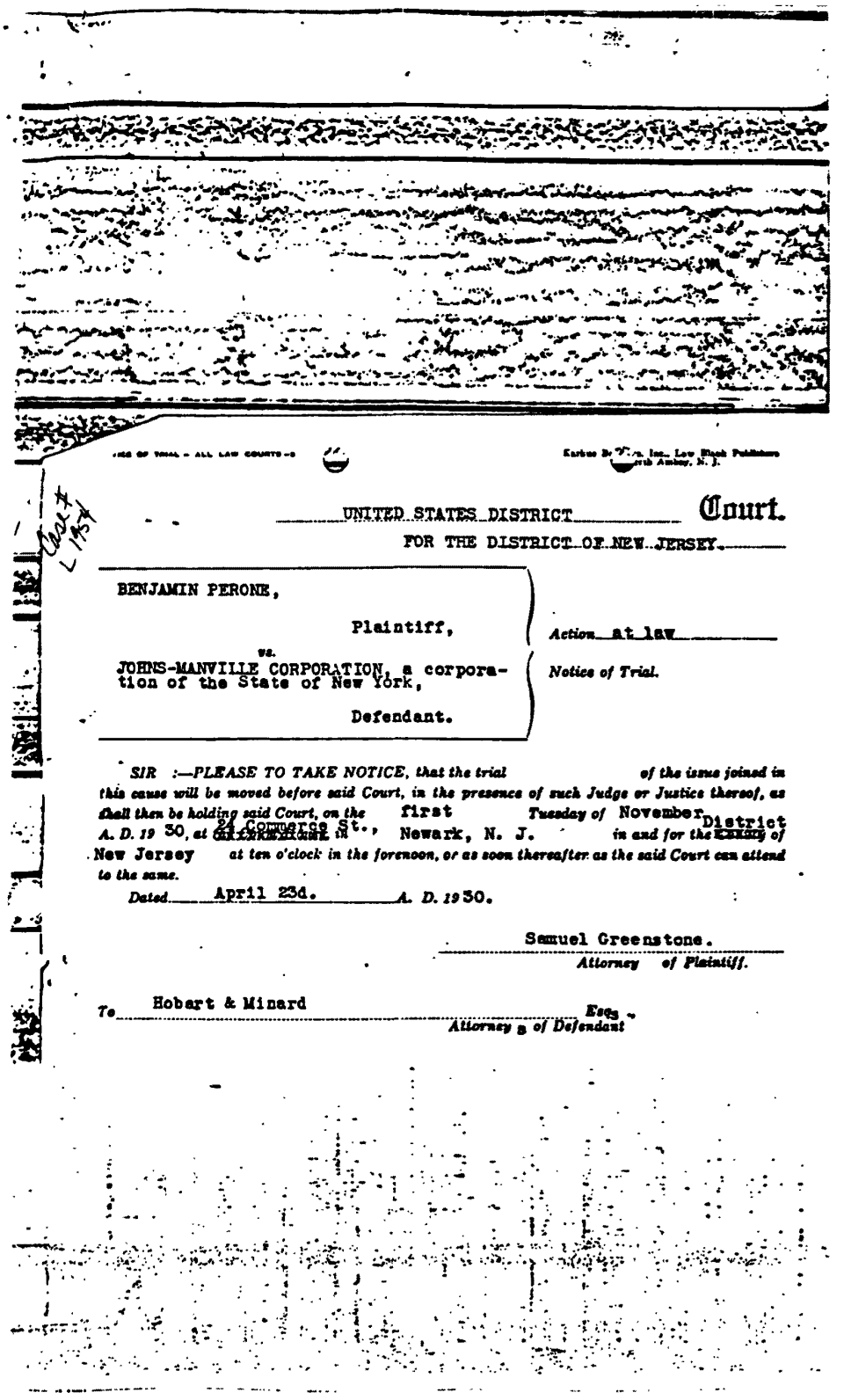
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SIGNATURE

NAME: Anthony J. Fontezzi
DATE: 11/3/80
TITLE: Archivist, Archives Branch
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...ING OF TRIAL — ALL LAW COUNTIES

...Forbes Bl'k'g, Inc., Law Blank Publishers ...ruth Amboy, N. J.

UNITED STATES DISTRICT Court.

FOR THE DISTRICT OF NEW JERSEY.

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

Action at law

Notice of Trial.

SIR :—PLEASE TO TAKE NOTICE, that the trial of the issue joined in this cause will be moved before said Court, in the presence of such Judge or Justice thereof, as shall then be holding said Court, on the first *Tuesday of* November *A. D. 19* 30, *at* 24 Commerce St., Newark, N. J. *in and for the* District *of* New Jersey *at ten o'clock in the forenoon, or as soon thereafter as the said Court can attend to the same.*

Dated April 23d. *A. D. 19*30.

Samuel Greenstone.

Attorney of Plaintiff.

To Hobart & Minard Esqs.

Attorneys of Defendant

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UNITED STATES DISTRICT Court

FOR THE DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff, Acti

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant. La

MAY 12 1930

Notice of Trial

Samuel Greenstone
Attorney for Plaintiff

Service of the within Notice of Trial is hereby acknowledged this ___ *day of* ___ *A. D. 19*~

Attorney for Defendan

Summons Issued 7/11/29

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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(seal)

SIGNATURE

NAME: Anthony J Fantozzi
DATE: 11/3/88

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE, :

Plaintiff, :

-vs- : On motion to quash summons and dismiss complaint

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, : AFFIDAVIT OF SERVICE

Defendant. :

STATE OF NEW JERSEY :
: ss.
COUNTY OF SOMERSET :

ARCHIBALD HUGHES, being duly sworn, according to law, on his oath, says:

I am employed by the defendant at its factory in Manville, N. J. On Tuesday, March 11, 1930, I served upon the plaintiff a copy of the rule to show cause herein dated March 7, 1930, and copies of the affidavits filed herein by the defendant, said copies of said rule and affidavits being duly certified as true copies by Hobart & Minard, attorneys of defendant.

Said service was made by leaving said copies personally with the plaintiff at his residence, No. 455 No. Vosseler Ave., Bound Brook, N. J.

Subscribed and sworn to at Manville, N.J. this 17th day of March, 1930, before me

Archibald Hughes.

A Notary Public of New Jersey



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GENERAL SERVICES ADMINISTRATION
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(seal)

SIGNATURE

NAME: Anthony J Fradozzi | DATE: 11/3/80

TITLE: Archivist, Archives Branch

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CRMC-Motley1000-Subj-003731

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY.

BENJAMIN PERONE, Plaintiff, -vs- JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, Defendant.	ON MOTION TO QUASH SUMMONS AND DISMISS COMPLAINT. ORDER.

This matter coming to be heard before me, in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant), on the return of the rule to show cause allowed herein on March 7th, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and the court having taken the testimony of the parties in open court, and it appearing that the attorney for the plaintiff was properly retained and authorized to commence the above action; and the attorneys for the defendant having consented in open court to the dismissal of the said rule;

It is, on this 15 day of April, 1930,

ORDERED, that the said rule to show cause be and the same is hereby dismissed without costs.

Samuel Greenstone
Attorney for Plaintiff.

Judge of the United States
District Court.

CRMC-Motley1000-Subj-003732

Benjamin Perone v. Johns-Manville, Court Papers (1929)
ACL Doc 23898 · Page 9 of 65

UNITED STATES DISTRICT COURT.
DISTRICT OF NEW JERSEY.....

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

ON MOTION TO QUASH SUMMONS AND DISMISS COMPLAINT.
ORDER.

SAMUEL GREENSTONE,
Attorney for Plaintiff,
972 Broad St.,
Newark, N. J.

FILED

APR 17 1929

AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, Clerk.

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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(seal)

SIGNATURE: Anthony J Fradozzi

NAME: Anthony J Fradozzi

DATE: 11/3/88

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
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Bayonne, N.J. 07002
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CRMC-Motley1000-Subj-003734

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY.

BENJAMIN PERONE, :

Plaintiff, :

-vs- : ACTION AT LAW

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York, : R E P L Y

Defendant. :

- - - - - - - - - - - - - - - -X

Plaintiff, ~~FRANK BATTKS~~ for reply to the Answer of the defendant, Johns-Manville Corporation, says that:

He denies all the affirmative defenses as set forth in the Answer of the defendant.

Samuel Greenstone
Attorney for Plaintiff

CRMC-Motley1000-Subj-003735

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Benjamin Perone v. Johns-Manville, Court Papers (1929)
ACL Doc 23898 · Page 12 of 65

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

ACTION AT LAW

R E P L Y

Samuel Greenstone
Attorney for Plaintiff
972 Broad Street
Newark, N. J.

FILED
SEP 21 1929
AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, Clerk.

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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(seal)

SIGNATURE

NAME: Anthony J Faadozzi | DATE: 11/3/80

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY

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on page 3 of the report and I signed my name immediately beneath the signature of Mr. La Torre.

Emil Ramer

Subscribed and sworn to :
before me this 10th day :
of February, 1930. :

Geo. A Hobart
Notary Public of N.J

CRMC-Motley1000-Subj-003739

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE, :

Plaintiff, :

-vs- : AFFIDAVIT OF CHARLOTTE WOLF

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York, :

Defendant. :

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

CHARLOTTE WOLF, being duly sworn, according to law, on her oath, deposes and says:

I reside at 105 East Main Street, Bound Brook, N. J., and I am employed at the Manville, N. J. plant of the Johns-Manville Corporation as a stenographer, in the office of Mr. Hughes, General Manager of the plant.

On December 16, 1929, at the request of Mr. Archibald Hughes I was present at an interview between Mr. Emil Ramer and Mr. Benjamin Perone, which interview was conducted at the home of Mr. Benjamin Perone, No. 455 North Vosseler Avenue, Bound Brook, N. J. in the presence of Mr. Archibald Hughes, Miss Mary Perone, and Concetta Perone, the wife of Benjamin Perone.

I was directed to stenographically report the questions propounded by Mr. Ramer and the answers given by Mr. Benjamin Perone as the same were interpreted by his daughter, Miss Mary Perone. Mr. Ramer propounded certain questions in English, which I stenographically reported, and thereafter Miss Mary Perone spoke in Italian to her father and he responded in Italian and she thereafter interpreted the response in English, which English

Benjamin Perone v. Johns-Manville, Court Papers (1929)
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interpretation I stenographically reported.

When the interview was concluded I retired to another room and transcribed my notes to three typewritten pages, which pages I delivered to Mr. Ramer in the presence of the persons above named. I then remained in the room and saw Miss Perone holding the three typewritten pages in her hand and apparently reading the same and interpreting the typewritten matter in Italian. Miss Perone then, in my presence, and in the presence of the other persons above named, wrote upon the margin of the first page of the statement the following:

"I read this statement to my father
in Italian and he said it is true.
Mary Perone, daught interperter
Dec. 16-1929"

and upon the margin of the second page:

"I read this statement to my father in
Italian and he said this true.
Mary Perone daughter interupter
Dec. 16-1929"

and immediately at the end of the typewritten matter on page 3 the following:

"I read this statement to my father
in Italian and he said it is true
Mary Perone daughter interupter
Dec. 16-1929"

I then left the room in which the interview had been conducted.

I have today examined the three typewritten pages attached hereto and the same are in the same condition as when executed by Miss Perone, in my presence, on December 16, 1929, except that on page 3 there has been added the word "witness" and the signatures of"Patsy La Torre and E. Ramer."

Subscribed and sworn to before me this 10th day of February, 1930.

Chas. T. Wolf

Geo. G. Hobart
Notary Public of N.J.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE, :

Plaintiff, :

-vs- : AFFIDAVIT OF PATSY LA TORRE

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, :

Defendant. :

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

PATSY LA TORRE, being duly sworn, according to law, on his oath, says:

I reside at 310 East 112th Street, New York City. I am of Italian nationality and understand the Italian and the English languages.

On December 16, 1929, at the request of Mr. Emil Ramer, I went with him to interview one Benjamin Perone, the plaintiff in this case.

We found him at his home No. 455 North Vosseler Avenue, Bound Brook, N. J.

Miss Charlotte Wolf, a stenographer, and Mr. Archibald Hughes of the Johns-Manville Corporation, were with us.

When we arrived at Mr. Perone's house, Mr. Ramer asked me to remain downstairs, which I did, and he and Mr. Hughes and Miss Wolf went upstairs where Mr. Perone was.

I remained downstairs for over an hour and I was then asked to witness a typewritten statement in three sheets. These sheets were signed by Mary Perone who I was

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told was the daughter of Benjamin, and at the request of Mr. Ramer I witnessed same.

I have examined the three sheets which are attached to this affidavit. Each of them was signed by Mary Perone and my name appears as a witness on the third sheet; they are the same as when I signed my name as witness.

Subscribed to and sworn before me this 10th day of February, 1930.

Patsy La Tave

Geo. A Hobart
A Notary Public of N.J.

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INTERVIEW BETWEEN B. PERONE AND BENJAMIN PERONE
THROUGH INTERPRETER MISS MARY PERONE AT HIS HOME
AT 455 NO. VOSSELER AVE., BOUND BROOK, N. J. DEC.16,1929.

Q. What is your name ?

A. Benjamin Perone.

Q. How old are you ?

A. I will be fifty-one years tomorrow.

Q. Are you a citizen of this country ?

A. Yes.

Q. How long are you in United States ?

A. Twenty-seven years.

Q. How long, Bennie, did you work for Johns-Manville Co.?

A. Thirteen years, altogether.

Q. Where did you work before you came to work for Johns-Manville Co.

A. I worked for about three months for the Standard Paint Co. in Bound Brook and prior to that I drove a team at the Chimney Rock Stone Crusher near Bound Brook.

Q. Who was your doctor before you came to work for Johns-Manville

A. Dr. J. [redacted] of Bround Brook.

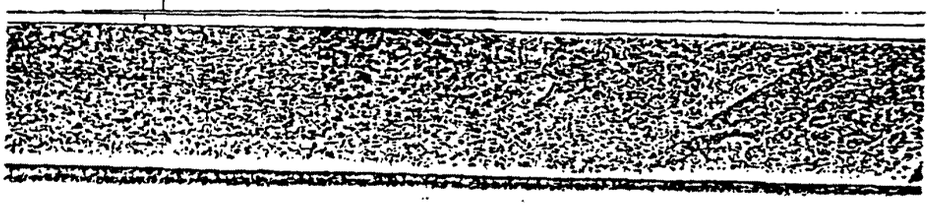
Q. Bennie, [redacted] Mr. Hughes ?

A. Yes, I know

Q. Do you know [redacted] you are sueing the Johns-Manville Co. in Court, or you don't know?

A. I don't know of any sueing the Johns-Manville. All I can say is when I was in Bonnie Burns Hospital with my two boys, I felt pretty bad and once a man came to my room He said he was a lawyer and he was introduced to me by Dr. Rafkin. Then Dr. Rafkin left my room and the lawyer says to me "How long were you working in Johns-Manville Co.?" I said "13 years". He said "are you sick" and I said "yes I am sick from dust". He said "did you get any money from the company for being sick" and I said "I didn'

Dec 16-1929
Mary Perone daughter interprets
I read this statement to my father in Italian and he says it is true



CRMC-Motley1000-Subj-003744

I will get you money. You just sign this paper and I will get money from the Johns-Manville Co." and he gave me to sign a paper.

Q. Did you understand the paper which he gave you to sign ?

A. I understood from the lawyer that this is a paper because I am sick and he will just try to get me money for it.

Q. Did you send for this lawyer ?

A. No.

Q. Do you know his name ?

A. I don't know.

Q. Did you ever see him in your life before he came to see you in Bonnie Burns Hospital?

A. No.

Q. Did you ask anybody to send you a lawyer to sue the Johns-Manville Co.?

A. No.

Q. When you went to Bonnie Burns Sanitarium after you left the Johns-Manville Co. you never had it in your mind to sue the Johns-Manville Co.?

A. No. This is right. I never had it in my mind to sue the Johns-Manville Co. for my sickness.

Q. Who put this idea in your head to sue the Johns-Manville Co For your sickness ?

A. This lawyer did it through my son, Michael. He put this idea in Michael's head and Michael said to me"This guy, this lawyer is trying to get some money from Johns-Manville and maybe he will stick it all in his picket".

Q. Bennie, do you know that your case is in the court,or don't you ?

A. I don't know nothing.

Q. Do you want to sue the Johns-ManvilleCo. in court,or don't you?

A. I don't like to do that.

Read This is Translated to me by Thomas in Hebrew and Means the Same Thing May Bennie daughter interpreter Dec 16-1929

CRMC-Motley1000-Subj-003745

Q. Can you read or write in any language ?

A. I can read and write in Italian.

Q. Who is your doctor now ?

A. Dr. Robinson comes to see me and I called Dr.Benjamin Borow about two weeks ago.

I read this statement to my father in Italian and he said it is true

Mary Perone daughter interpreter
Dec 16-1929

Witness:-

Patsy La Torre

J. P. Allen

CRMC-Motley1000-Subj-003746

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

AFFIDAVIT OF EMIL RAMER

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

EMIL RAMER, being duly sworn, according to law, on his oath, deposes and says:

I reside at 2805 Fourth Avenue, Astoria, L. I.

On December 16, 1929, I arranged an interview with Mr. Benjamin Perone at his residence No. 455 North Vosseler Avenue, Bound Brook, N. J., which interview I conducted in the presence of Mr. Archibald Hughes, General Manager of the Manville plant of the Johns-Manville Corporation and Miss Mary Perone, daughter of Benjamin Perone, Concetta Perone, wife of Benjamin Perone, and Miss Charlotte Wolf, a stenographer in the employ of the Johns-Manville Corporation at Manville.

At my request Miss Wolf made a stenographic record of the interview. I propounded certain questions in English and Miss Mary Perone interpreted the questions in Italian and upon receiving her father's response in Italian, then interpreted the response in English and the interpreted response was stenographically reported by Miss Wolf.

Benjamin Perone v. Johns-Manville, Court Papers (1929)
ACL Doc 23898 · Page 23 of 65
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In the course of the interview, Mr. Perone answered many of the questions in English. My observation during the interview led me to the condlusion that he understood all of the questions which I propounded, even though some of them were interpreted by his daughter.

When the interview was concluded, Miss Wolf retired from the room and after a short time again appeared with three typewritten pages reporting the interview. I then requested Miss Perone to read the entire report of interview to her father in Italian, which she did, and Mr. Benjamin Perone then stated that the typewritten pages accurately reported the conversation which was had.

Miss Perone then endorsed upon the margin of the first page the following:

"I read this statement to my father in
Italian and he said it is true.
Mary Perone daught interperter
Dec. 16-1929"

and upon the margin of the second page the following:

"I read this statement to my father in
Italian and he said this true.
Mary Perone daughter interupter
Dec. 16-1929"

and immediately at the end of the typewritten matteron the third page, the following:

"I read this statement to my father in
Italian and he said it is true.
Mary Perone daughter interupter.
Dec. 16-1929"

At the time Miss Perone endorsed upon the margin of the first and second pages and immediately at the end of the typewritten matter on the third page, the words above quoted, Mr. Patsy La Torre was in an adjoining room and I had earlier requested him to witness the signature of Miss Perone. Thereafter Mr. La Torre signed his name

Benjamin Perone v. Johns-Manville, Court Papers (1929)
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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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(seal)

SIGNATURE

NAME Anthony T Fambrini DATE 11/3/80

TITLE Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
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Bayonne, N.J. 07002
2NCN

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CRMC-Motley1000-Subj-003749

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

On motion to Quash Summons and Dismiss Complaint.

RULE TO SHOW CAUSE

L 1954

On reading and filing the affidavits presented in behalf of the defendant,

O R D E R E D that the plaintiff and the plaintiff's attorney show cause before this Court on the thirty first day of ~~February~~ March, 1930, at 10.30 o'clock A.M., at the court room in the Chamber of Commerce Building, 24 Branford Place, Newark, New Jersey, why the summons herein should not be quashed and the complaint dismissed on the ground that the summons was issued and the complaint filed without the authority of the plaintiff.

FURTHER ORDERED that a copy of this rule and of said affidavits (certified as true copies by the attorneys of the defendant) be served within four days from the date hereof, upon the plaintiff either personally or by leaving same at plaintiff's residence and upon the attorney of the plaintiff either personally or by leaving same at his office in the City of Newark.

FURTHERED ORDERED that on the return day of this rule the parties have leave to take testimony in open court in support thereof and in opposition thereto.

DATED: ~~February~~ March 1st 1930.

Rule entered this 11th day of ~~February~~ March, 1930, on motion of HOBART & MINARD, Attorneys of Defendant.

Guy L. Fake
U.S.D.J.

CRMC-Motley1000-Subj-003750

Law. 1954

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

On motion to Quash Summons and Dismiss Complaint.
RULE TO SHOW CAUSE

Hobart & Minard, Esqs.,
Attorneys of Defendant,
24 Branford Place,
Newark, N. J.

FILED

MAR 11 1930

A. [illegible] LOW, A. M.,
GEORGE I. CHANDLER, Clerk.

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National Archives and Records Service

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(seal)

SIGNATURE

NAME: Anthony J Kantzer | DATE: 11/3/88

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE, :

Plaintiff, :

-vs- : On motion to quash summons and to dismiss complaint

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, : AFFIDAVIT OF SERVICE

Defendant. :

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

JOHN MURRAY, being duly sworn, according to law, on his oath, says:

I am employed as a clerk in the office of Hobart & Minard, attorneys of defendant. On Tuesday, March 11,1930, at 2.30 p. m., I served upon Samuel Greenstone, attorney of record of the plaintiff, a copy of the rule to show cause herein, dated March 7, 1930, duly certified as a true copy by Hobart & Minard, attorneys of defendant, and on the same day I served upon said Samuel Greenstone a copy of the affidavits filed herein by the defendant, duly certified as true copies by Hobart & Minard, attorneys of defendant.

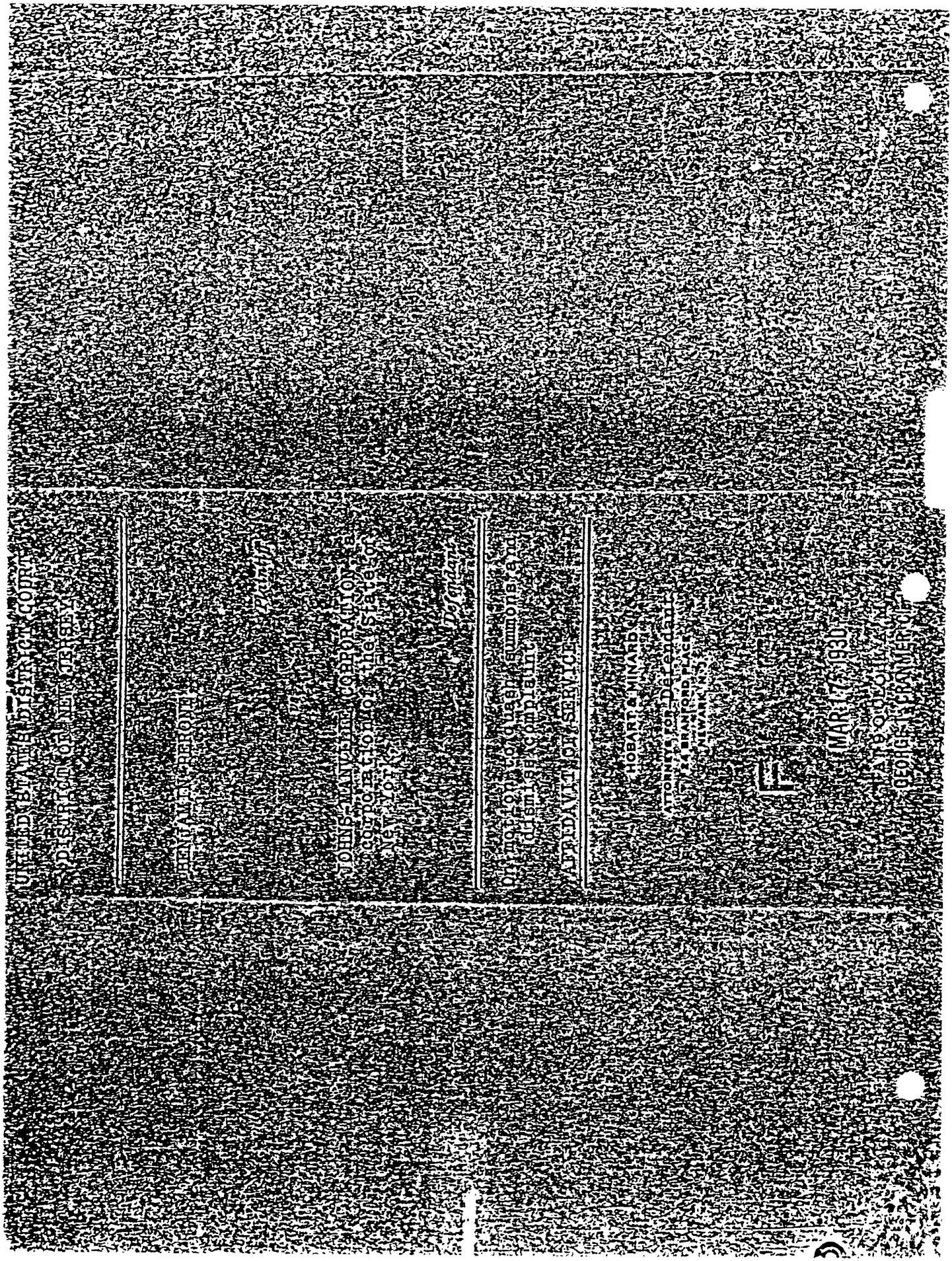
Said service was made by leaving said copies of said rule to show cause and said affidavits at the office of said Samuel Greenstone No. 972 Broad St., in the City of Newark, N. J., with the person in charge of said office at said time.

Subscribed and sworn to at Newark, N. J. this 12th day of March,1930, before me

G. G. Hobart
A Notary Public of N.J.

John Murray

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Faccenzi | DATE: 11/3/80

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY
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Bayonne, N.J. 07002
2NCN

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CRMC-Motley1000-Subj-003755

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law

ANSWER

Hobart & Minard,
Attorneys for Defendant
24 Branford Place,
Newark, N. J.

FILED

SEP 5 1929

AT 9 O'CLOCK A. M.

GEORGE T. CRANMER, Clerk

CRMC-Motley1000-Subj-003756

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law.

ANSWER

The defendant, JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, having its principal office in New Jersey, at Manville, Somerset County, says that:

FIRST DEFENSE

1. It denies paragraph 1, except that it says that the plaintiff was in its employ at its plant in Manville, N. J. from December 28, 1926 to the month of November, 1928.

2. It denies paragraph 2, except that it says that it was and has been engaged in the manufacture of asbestos products for commercial purposes from December 28,1926, to the present time.

3. It denies paragraph 3, except that it says that it employed the plaintiff from December 28, 1926, to the month of November, 1928.

4. It denies paragraphs 4, 5, 6, and 7.

SECOND DEFENSE

The injury and the disease alleged in the complaint were due to one of the risks of his employment assumed by the plaintiff as part of the terms of his contract of employment.

THIRD DEFENSE

The injury and the disease alleged in the complaint were due to one of the risks of his employment assumed by

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the plaintiff as part of the terms of his contract of employment in that the plaintiff knew, or by the exercise of reasonable care on his part should have known, the alleged dangers of his employment.

FOURTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff.

FIFTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff in that the plaintiff failed to exercise reasonable care to protect himself against the alleged dangers of his employment by using the mask and other appliances provided by the defendant for that purpose.

SIXTH DEFENSE

The injury and the disease alleged in the complaint were due to negligence on the part of a fellow-servant of the plaintiff, in failing to warn and instruct the plaintiff to use the mask and other appliances provided by the defendant for the purpose of protecting the plaintiff against the alleged dangers of his employment.

SEVENTH DEFENSE

Plaintiff's action is barred because it was not commenced and instituted within two years next after the alleged cause of action accrued.

Holmes & Allread
Attorneys for Defendant.

CRMC-Motley1000-Subj-003758

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

C. M. Vanderlee of full age, being duly sworn, according to law, on his oath, says that he is Treasurer of Johns-Manville Corporation, a corporation of the State of New York, the defendant in within mentioned suit and the petitioner named in the foregoing petition; that he has read said petition and knows the contents thereof and that the matters stated therein are true; that the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000; said suit is of a civil nature, at law, and is between citizens of different states, as appears from the complaint of the plaintiff therein, and he is informed and believes that the District Court of the United States has original jurisdiction thereof; and that the controversy in said suit can be fully determined as between the plaintiff and the defendant.

Subscribed and sworn to at New York, N.Y. this 10th day of July, 1929, before me

duly commissioned and sworn as witness my hand and official seal.

C M Vanderlee
C.E.P.

(Seal)

Paulita Andrews
Notary Public
New York County Clerk's No. 193
New York Register's No. 1A262
Commission expires Mar.30,1931.

James E. Nowack

CRMC-Motley1000-Subj-003759

Benjamin Perone v. Johns-Manville, Court Papers (1929)
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NEW JERSEY SUPREME COURT.
SOMERSET COUNTY.

- - - - - - - - - - - - - - - - -

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant,

- - - - - - - - - - - - - - - - -

PETITION FOR REMOVAL.

- - - - - - - - - - - - - - - - -

Hobart & Minard,
Attys. for Deft.
appearing specially,
24 Branford Place,
Newark, N. J.

Filed July 18, 1929,
Fred L. Bloodgood, Clerk.

Filed July 18, 1929
Clarence E Case
D.C.

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law.

BOND ON REMOVAL

KNOW ALL MEN BY THESE PRESENTS: That we, JOHNS-MANVILLE CORPORATION, a corporation of the state of New York, as principal, and NEW YORK INDEMNITY COMPANY, a corporation of the state of New York, as surety, are held and firmly bound unto BENJAMIN PERONE, residing in the Township of Scotch Plains, in the County of Union and State of New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said BENJAMIN PERONE, his heirs, executors, administrators and assigns, to which payment well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated the tenth (L.S.) day of July, 1929.

WHEREAS, the above named BENJAMIN PERONE, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said JOHNS-MANVILLE CORPORATION, a corporation of the State of New York; and

WHEREAS, said JOHNS-MANVILLE CORPORATION, simultaneously with the filing of this bond, intends to file its petition in said suit in said New Jersey Supreme Court, to remove said suit into the District Court of the United States, in the District where said suit is pending, to wit, the

James E. Nowack

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District Court of the United States in and for the District of New Jersey, according to the provisions of the Act of Congress in such case made and provided, now, therefore, the

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the petitioner, JOHNS-MANVILLE CORPORATION, shall enter in the District Court of the United States, for the District of New Jersey, within thirty days from the date of filing said petition in said New Jersey Supreme Court, a certified copy of the record in said suit, and shall well and truly pay all costs that may be awarded by the said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, and shall also appear and enter special bail in said suit, if special bail was originally requisite therein, then this obligation shall be void; otherwise to remain in full force and effect.

JOHNS-MANVILLE CORPORATION

By E. Nelson Vorhees
Treasurer (L.S.)

Attest:
Clarence L. Hagan
Asst. Secy.

NEW YORK INDEMNITY COMPANY

By John C. Gallagher
Attorney in Fact (L.S.)

Attest:
Mildred A. Bindley
Witness as to Surety



James E. Howard

NEW YORK INDEMNITY COMPANY

KNOW ALL MEN BY THESE PRESENTS, That the NEW YORK INDEMNITY COMPANY, a corporation duly organized and existing under the laws of the State of New York and having its principal offices in the City of New York, hath made, constituted and appointed, and does by these presents make constitute and appoint John C. Gallagher, individually of Newark and State of New Jersey its true and lawful Attorney, with full power and authority hereby conferred in its name, place and stead, to sign, execute and acknowledge any and all bonds and/or undertakings in any amount not exceeding One Hundred Thousand Dollars ($100,000); and any and all bonds, recognizances and undertakings exceeding the amount herein specified when specifically authorized by letter or telegram signed "New York Indemnity Company" by the home office, the original of such letter or telegram together with copy of this power of attorney to be attached to each and every bond, recognizance or undertaking, and to bind the NEW YORK INDEMNITY COMPANY thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Company, and duly attested by its Secretary, hereby ratifying and confirming all the acts of said Attorney pursuant to the power herein given. This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the NEW YORK INDEMNITY COMPANY at a meeting duly called and held on the twenty-fifth day of July, 1923:

"ARTICLE XII. Resident Officers and Attorneys-in-Fact.

"SECTION 1. The Chairman, Vice-Chairman, President, any First Vice-President, or any other Vice-President may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-fact to represent and act for, and on behalf of the Company, and either the Chairman, Vice-Chairman, President, First Vice President, or any other Vice President, the Board of Directors, or the Executive Committee, may at any time remove any such Resident Vice-President, Resident Assistant Secretary of Attorney-in-Fact, and revoke the power and authority given him.

"SECTION 4. Attorneys in Fact.-Attorneys-in-Fact may be given full power and authority to execute for and in the name of and on behalf of, the Company, any and all bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, if signed by the President and sealed and attested by the Secretary.

and any such Instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as/

"SECTION 6. Attorneys-in-Fact.-Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, or contracts of indemnity, policies of insurance, and all other writings obligatory in the nature thereof, and also authorized and empowered to certify to a copy of any By-Laws contained in Articles VI, XII, and XIII of the By-Laws of the Company."

IN WITNESS WHEREOF, the NEW YORK INDEMNITY COMPANY has caused these presents to be signed by its Vice-President and its corporate seal to be hereto affixed, duly attested by its Assistant Secretary, this 24th day of July A.D.1928.

SEAL
Attest T.J.Flynn,
Assistant Secretary.

NEW YORK INDEMNITY COMPANY
By Bartlett Greene
Vice President.

James E. Howard

CRMC-Motley1000-Subj-003763

STATE OF NEW YORK, :
COUNTY OF NEW YORK, : ss:

On this 24th day of July, A.D. 1928, before me personally came Bartlett Greene to me known, who, being by me duly sworn, did depose and say, that he resides in the Bargate City, N.J.; that he is the Vice-President of the NEW YORK INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

William Dunn.
Notary Public

(Seal)

STATE OF NEW YORK :
COUNTY OF NEW YORK : ss:

T. J. Flynn, Assistant Secretary of the NEW YORK INDEMNITY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney, executed by said NEW YORK INDEMNITY COMPANY, which is still in full force and effect.

and

IN WITNESS WHEREOF, I have hereunto set my hand affixed the seal of said Company, at the City of New York, this 14th day of March A.D. 192[illegible]

T. J. Flynn
Assistant Secretary

NEW YORK INDEMNITY COMPANY SEAL

James E. Nowack



CRMC-Motley1000-Subj-003764

State of New Jersey.
County of ESSEX } ss.:
City of NEWARK

On this Tenth day of July, 192 9, before me, the subscriber, a NOTARY PUBLIC duly commissioned and sworn, personally came JOHN C. GALLAGHER who, being by me duly sworn, on his oath, saith: That he is the ATTORNEY-IN-FACT of the NEW YORK INDEMNITY COMPANY of the State of New York, and that he resides in the City of NEWARK; that he knows the corporate seal of the said Company; that the seal affixed to the foregoing instrument is such corporate seal; and it was affixed by the said JOHN C. GALLAGHER and the said Instrument signed by the said JOHN C. GALLAGHER as ATTORNEY-IN-FACT of said Company, by order of the Board of Directors of said Company in deponent's presence as the voluntary act and deed of said Company; that said Company has duly complied with all the requirements of Chapter 134 of the Laws of the State of New Jersey of the year 1902; that the good available assets of the Company exceed its liabilities, as such liabilities are ascertained in the manner provided in said Chapter; that the NEW YORK INDEMNITY COMPANY is duly incorporated under the laws of the State of New York, and is authorized by the laws of that State and under its charter to become surety on bonds and obligations such as are mentioned in said Chapter; and has on deposit with the Superintendent of Insurance of the State of New York, good securities worth at par and at market value at least Two Hundred Thousand Dollars ($200,000) held for the security of its obligations and has a fully paid up, safely invested, and unimpaired capital of One Million Dollars, and said Company has appointed the Commissioner of Banking and Insurance of New Jersey and his successor in office as its true and lawful Attorney in the State of New Jersey, upon whom process of law can be served, and has filed in the office of the Commissioner of Banking and Insurance, a written instrument duly signed and sealed, certifying such appointment, together with the residence and office of such Attorney, within the State of New Jersey; and that the following is a true copy of a By-Law duly adopted by the Board of Directors of the said NEW YORK INDEMNITY COMPANY on the 25th day of July, 1923, at a regular meeting, to wit:

ARTICLE XIII.

SECTION 1. *Signatures required.*—All bonds, recognizances, or contracts of indemnity, policies of insurance, and all other writings obligatory in the nature thereof, shall be signed by the President, a Vice-President, a Resident Vice-President, or Attorney-in-Fact, and shall have the seal of the Company affixed thereto, duly attested by the Secretary, an Assistant Secretary, or Resident Assistant Secretary. All Vice-Presidents and Resident Vice-Presidents shall each have authority to sign such instruments, whether the President be absent or incapacitated, or not, and the Assistant Secretaries and Resident Assistant Secretaries shall each have authority to seal and attest such instruments, whether the Secretary be absent or incapacitated, or not; and the Attorneys-in-Fact shall each have authority, in the discretion of such Attorneys-in-Fact, to affix to such instruments an impression of the Company's seal, whether the Secretary be absent or incapacitated, or not, or to attach the individual seal of the Attorneys-in-Fact thereto, or to use the scroll of the Attorneys-in-Fact, or a wafer, wax, or other similar adhesive substance affixed thereto, or a seal of paper or other similar substance affixed thereto by mucilage, or other adhesive substance, or use the word "SEAL" or the letters "L. S." opposite the signature of such Attorneys-in-Fact, as the case may be.

Sworn and subscribed in the City of Newark *in the County of* Essex *and State of* New Jersey *this* 10th *day of* July *A. D.* 1929 *before me, a* NOTARY PUBLIC *duly commissioned and sworn.*

John C. Gallagher

James E. Howard

CRMC-Motley1000-Subj-003765

...made after audit by them.

New York Indemnity Company

New York

FINANCIAL STATEMENT, DECEMBER 31st, 1928

SPENCER, WELTON, President. HUBERT J. HEWITT, Secretary

ASSETS

Stocks and Bonds at Market	$5,562,908.00
Collateral Loans	700,000.00
Cash	359,243.55
Unpaid Premiums (Less than 90 Days old)	1,505,145.19
Accounts Receivable and Accrued Interest	440,368.91
Total	$8,567,665.65

LIABILITIES

Reserve for Unearned Premiums	$3,045,808.20
Reserve for Contingent Claims Less Reinsurance	3,141,888.49
Reserve for Taxes and Commissions	459,174.43
Accounts Payable	240,995.36
Reinsurance in Companies Not Entered in New York	65,732.96
Capital	1,000,000.00
Surplus	614,066.21
Total	$8,567,665.65

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

I, T. J. Flynn, Assistant Secretary of the New York Indemnity Company, do hereby certify that the above is a true statement of the assets and liabilities of said Company as of December 31st, 1928, to the best of my knowledge and belief.

Company's Seal

Thomas J. Flynn

STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss.

Subscribed and sworn to before me, a Notary Public of the State of New York, in the City of New York, this 4th day of February A. D. 1929.

George C. Kaiser

Notary's Seal

NOTARY PUBLIC
Bronx Co. No. 9, Register's No. 3004-A
Certificate filed in New York Co. No. 496,
Register's No. 8-316
Commission Expires March 30, 1930

New York County Register's No. 1A262
Commission Expires March 30, 1931

CRMC-Motley1000-Subj-003766

STATE OF NEW YORK :
ss.
COUNTY OF NEW YORK :

BE IT REMEMBERED, That on this tenth day of July, in the year of our Lord, One thousand nine hundred and twenty-nine, before me, the subscriber, Paulita Andrews personally appeared Clarence L. Nagy who being by me duly sworn, doth depose and make proof to my satisfaction that he is Assistant Secretary that he well knows the common seal of JOHNS-MANVILLE CORPORATION, the obligor named in the foregoing bond, that the seal thereto affixed is the proper common seal of the said corporation, and that the same was so affixed thereto, and the said bond signed and delivered by L. M. Voorhees who was at the date and execution thereof Treasurer of said corporation, as the voluntary act and deed of the said Corporation, in the presence of said deponent, and that the said deponent subscribed the same as witness tothe execution thereof.

Subscribed and sworn to at New York, N.Y. this 10th day of July, 1929, before me: Clarence L. Nagy.

duly commissioned and sworn as witness my hand and official seal.

(L.S.) Paulita Andrews

Notary Public.

New York County Clerk's No. 193
New York County Register's No. 1 A 262
Commission Expires March 30, 1931.

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION,
a Corporation of the State
of New York,

Defendant.

Action at Law.
BOND ON REMOVAL

Hobart & Minard
Attys. of Deft.,
appearing specially,
24 Branford Pl.,
Newark, N.J.

Filed July 18, 1929,
Fred L. Bloodgood, Clerk.

CRMC-Motley1000-Subj-003768

4. No special bail was originally or is requisite in said suit.

5. Said suit was commenced by service of summons and complaint upon your petitioner on July 5,1929, by leaving a copy thereof with the Registered Agent of the petitioner in the State of New Jersey at Manville, N.J.; the time within which the petitioner is required to answer said complaint has not expired but will expire on July 25, 1929, unless further time to answer is allowed. The petitioner has not filed its answer to said complaint or in any way appeared in said action. The matters stated

6. Your petitioner has made and files herewith a bond with good and sufficient surety for its entering in the District Court of the United States, for the District of New Jersey, within thirty days from the filing of this petition, a certified copy of the record in said suit, and for paying all costs that may be awarded by said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, said bond being in the penal sum of $500., conditioned as required by the Act of Congress in such case made and provided.

Your petitioner prays this Honorable Court to proceed no further in said suit except to accept this petition and bond, make the order of removal required by law and cause the record in said suit to be removed into said District Court of the United States, for the District of New Jersey, pursuant to the Act of Congress in such case made and provided.

And your petitioner will ever pray, etc.

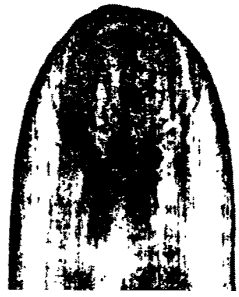
JOHNS-MANVILLE CORPORATION
By C M Vanderveer

[illegible]
Attorneys of Petitioner,
appearing specially, etc.

Attest:
Clarence L Sager
Asst Secy

Seal

James E. Nowack



CRMC-Motley1000-Subj-003769

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

C. M. Vanderlee of full age, being duly sworn, according to law, on his oath, says that he is Treasurer of Johns-Manville Corporation, a corporation of the State of New York, the defendant in within mentioned suit and the petitioner named in the foregoing petition; that he has read said petition and knows the contents thereof and that the matters stated therein are true; that the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000; said suit is of a civil nature, at law, and is between citizens of different states, as appears from the complaint of the plaintiff therein, and he is informed and believes that the District Court of the United States has original jurisdiction thereof; and that the controversy in said suit can be fully determined as between the plaintiff and the defendant.

Subscribed and sworn to at New York, N.Y. this 10th day of July, 1929, before me

C M Vanderlee
C&I

duly commissioned and sworn as witness my hand and official seal.

(Seal)

Paulita Andrews
Notary Public
New York County Clerk's No. 193
New York Register's No. 1A262
Commission expires Mar.30,1931.

James E. Nowick

CRMC-Motley1000-Subj-003770

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NEW JERSEY SUPREME COURT.
SOMERSET COUNTY.

- - - - - - - - - - - - - - - - -

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant,

- - - - - - - - - - - - - - - - -

PETITION FOR REMOVAL.

- - - - - - - - - - - - - - - - -

Hobart & Minard,
Attys. for Deft.
appearing specially,
24 Branford Place,
Newark, N. J.

Filed July 18, 1929,
Fred L. Woodrood, Clerk.

Filed July 18, 1929
Clarence E. Case
D.C.C.

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant.

Action at Law.

BOND ON REMOVAL

KNOW ALL MEN BY THESE PRESENTS: That we, JOHNS-MANVILLE CORPORATION, a corporation of the state of New York, as principal, and NEW YORK INDEMNITY COMPANY, a corporation of the state of New York, as surety, are held and firmly bound unto BENJAMIN PERONE, residing in the Township of Scotch Plains, in the County of Union and State of New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said BENJAMIN PERONE, his heirs, executors, administrators and assigns, to which payment well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents. (L.S.)

Sealed with our seals and dated the tenth day of July, 1929.

WHEREAS, the above named BENJAMIN PERONE, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said JOHNS-MANVILLE CORPORATION, a corporation of the State of New York; and

WHEREAS, said JOHNS-MANVILLE CORPORATION, simultaneously with the filing of this bond, intends to file its petition in said suit in said New Jersey Supreme Court, to remove said suit into the District Court of the United States, in the District where said suit is pending, to wit, the

James E. Nowicki

CRMC-Motley1000-Subj-003772

District Court of the United States in and for the District of New Jersey, according to the provisions of the Act of Congress in such case made and provided, now, therefore, the

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the petitioner, JOHNS-MANVILLE CORPORATION, shall enter in or in the District Court of the United States, for the District of New Jersey, within thirty days from the date of filing said petition in said New Jersey Supreme Court, a certified copy of the record in said suit, and shall well and truly pay all costs that may be awarded by the said District Court, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, and shall also appear and enter special bail in said suit, if special bail was originally requisite therein, then this obligation shall be void; otherwise to remain in full force and effect.

JOHNS-MANVILLE CORPORATION

By C. Nic Voorhees

Treasurer (L.S.)

Attest:

Clarence L. Segar
Asst. Sec'y

NEW YORK INDEMNITY COMPANY

By John C. Gallagher

Attorney in Fact (L.S.)

Attest:

Mildred A. Bondy
Witness as to Surety



James E. Nowicki

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NEW YORK INDEMNITY COMPANY

KNOW ALL MEN BY THESE PRESENTS, That the NEW YORK INDEMNITY COMPANY, a corporation duly organized and existing under the laws of the State of New York and having its principal offices in the City of New York, hath made, constituted and appointed, and does by these presents make constitute and appoint John C. Gallagher, individually of Newark and State of New Jersey its true and lawful Attorney, with full power and authority hereby conferred in its name, place and stead, to sign, execute and acknowledge any and all bonds and/or undertakings in any amount not exceeding One Hundred Thousand Dollars ($100,000); and any and all bonds, recognizances and undertakings exceeding the amount herein specified when specifically authorized by letter or telegram signed "New York Indemnity Company" by the home office, the original of such letter or telegram together with copy of this power of attorney to be attached to each and every bond, recognizance or undertaking, and to bind the NEW YORK INDEMNITY COMPANY thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Company, and duly attested by its Secretary, hereby ratifying and confirming all the acts of said Attorney pursuant to the power herein given. This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the NEW YORK INDEMNITY COMPANY at a meeting duly called and held on the twenty-fifth day of July, 1923:

"ARTICLE XII. Resident Officers and Attorneys-in-Fact.

"SECTION 1. The Chairman, Vice-Chairman, President, any First Vice-President, or any other Vice-President may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-fact to represent and act for, and on behalf of the Company, and either the Chairman, Vice-Chairman, President, First Vice President, or any other Vice President, the Board of Directors, or the Executive Committee, may at any time remove any such Resident Vice-President, Resident Assistant Secretary of Attorney-in-Fact, and revoke the power and authority given him.

"SECTION 4. Attorneys in Fact.-Attorneys-in-Fact may be given full power and authority to execute for and in the name of and on behalf of, the Company, any and all bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, if signed by the President and sealed and attested by the Secretary.

and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as

"SECTION 6. Attorneys-in-Fact.-Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, or contracts of indemnity, policies of insurance, and all other writings obligatory in the nature thereof, and also authorized and empowered to certify to a copy of any By-Laws contained in Articles VI, XII, and XIII of the By-Laws of the Company."

IN WITNESS WHEREOF, the NEW YORK INDEMNITY COMPANY has caused these presents to be signed by its Vice-President and its corporate seal to be hereto affixed, duly attested by its Assistant Secretary, this 24th day of July A.D.1928.

SEAL
Attest T.J.Flynn,
Assistant Secretary.

NEW YORK INDEMNITY COMPANY
By Bartlett Greene
Vice President.

James E. Nowick

CRMC-Motley1000-Subj-003774

STATE OF NEW YORK, :
COUNTY OF NEW YORK, : ss:

On this 24th day of July, A.D. 1928, before me personally came Bartlett Greene to me known, who, being by me duly sworn, did depose and say, that he resides in the Margate City, N.J.; that he is the Vice-President of the NEW YORK INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

William Dunn
Notary Public

(Seal)

STATE OF NEW YORK :
COUNTY OF NEW YORK : ss:

T. J. Flynn, Assistant Secretary of the NEW YORK INDEMNITY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney, executed by said NEW YORK INDEMNITY COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, at the City of New York, this 14th day of March A.D. 192[illegible]

T. J. Flynn
Assistant Secretary

NEW YORK INDEMNITY COMPANY SEAL

James E. Nowack



CRMC-Motley1000-Subj-003775

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State of New Jersey.
County of ESSEX } ss.:
City of NEWARK

On this Tenth day of July 192 9,
before me, the subscriber, a NOTARY PUBLIC duly commissioned and sworn,
personally came JOHN C. GALLAGHER who, being by me duly sworn, on his
oath, saith: That he is the ATTORNEY-IN-FACT of the NEW YORK INDEMNITY COMPANY of the
State of New York, and that he resides in the City of NEWARK; that
and he knows, the corporate seal of the said Company; that the seal affixed to the fore-
going instrument is such corporate seal; and it was affixed by the said JOHN C. GALLAGHER and the
said Instrument signed by the said JOHN C. GALLAGHER as ATTORNEY-IN-FACT of said Company,
by order of the Board of Directors of said Company in de-
ponent's presence as the voluntary act and deed of said Company; that said Company has duly complied with
all the requirements of Chapter 134 of the Laws of the State of New Jersey of the year 1902; that the good
available assets of the Company exceed its liabilities, as such liabilities are ascertained in the manner provided
in said Chapter; that the NEW YORK INDEMNITY COMPANY is duly incorporated under the laws of the
State of New York, and is authorized by the laws of that State and under its charter to become surety on
bonds and obligations such as are mentioned in said Chapter; and has on deposit with the Superintendent of
Insurance of the State of New York, good securities worth at par and at market value at least Two Hundred
Thousand Dollars ($200,000) held for the security of its obligations and has a fully paid up, safely invested,
and unimpaired capital of One Million Dollars, and said Company has appointed the Commissioner of Bank-
ing and Insurance of New Jersey and his successor in office as its true and lawful Attorney in the State of
New Jersey, upon whom process of law can be served, and has filed in the office of the Commissioner of Bank-
ing and Insurance, a written instrument duly signed and sealed, certifying such appointment, together with the
residence and office of such Attorney, within the State of New Jersey; and that the following is a true copy
of a By-Law duly adopted by the Board of Directors of the said NEW YORK INDEMNITY COMPANY
on the 25th day of July, 1923, at a regular meeting, to wit:

ARTICLE XIII.

SECTION 1. *Signatures required.*—All bonds, recognizances, or contracts of indemnity, policies of in-
surance, and all other writings obligatory in the nature thereof, shall be signed by the President, a Vice-Presi-
dent, a Resident Vice-President, or Attorney-in-Fact, and shall have the seal of the Company affixed thereto,
duly attested by the Secretary, an Assistant Secretary, or Resident Assistant Secretary. All Vice-Presidents and
Resident Vice-Presidents shall each have authority to sign such instruments, whether the President be absent or
incapacitated, or not, and the Assistant Secretaries and Resident Assistant Secretaries shall each have authority
to seal and attest such instruments, whether the Secretary be absent or incapacitated, or not; and the Attorneys-
in-Fact shall each have authority, in the discretion of such Attorneys-in-Fact, to affix to such instruments an im-
pression of the Company's seal, whether the Secretary be absent or incapacitated, or not, or to attach the in-
dividual seal of the Attorneys-in-Fact thereto, or to use the scroll of the Attorneys-in-Fact, or a wafer, wax, or
other similar adhesive substance affixed thereto, or a seal of paper or other similar substance affixed thereto by
mucilage, or other adhesive substance, or use the word "SEAL" or the letters "L. S." opposite the signature of
such Attorneys-in-Fact, as the case may be.

Sworn and subscribed in the City of
Newark in the County of
Essex and State of
New Jersey this 10th day
of July A. D. 1929
before me, a NOTARY PUBLIC
duly commissioned and sworn.

John C. Gallagher

James E. Nowack

CRMC-Motley1000-Subj-003776

...ness ... made and audited by them.

New York Indemnity Company

New York

FINANCIAL STATEMENT, DECEMBER 31st, 1928

SPENCER WELTON, President. HUBERT J. HEWITT, Secretary

ASSETS

Stocks and Bonds at Market	$5,562,908.00
Collateral Loans	700,000.00
Cash	359,243.55
Unpaid Premiums (Less than 90 Days old)	1,505,145.19
Accounts Receivable and Accrued Interest	440,368.91
Total	$8,567,665.65

LIABILITIES

Reserve for Unearned Premiums	$3,045,808.20
Reserve for Contingent Claims Less Reinsurance	3,141,888.49
Reserve for Taxes and Commissions	459,174.43
Accounts Payable	240,995.36
Reinsurance in Companies Not Entered in New York	65,732.96
Capital	1,000,000.00
Surplus	614,066.21
Total	$8,567,665.65

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.

I, T. J. Flynn, Assistant Secretary of the New York Indemnity Company, do hereby certify that the above is a true statement of the assets and liabilities of said Company as of December 31st, 1928, to the best of my knowledge and belief.

Company's Seal

Thomas J. Flynn

STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss.

Subscribed and sworn to before me, a Notary Public of the State of New York, in the City of New York, this 4th day of February A. D. 1929.

George C. Kaiser

Notary's Seal

NOTARY PUBLIC
Bronx Co. No. 9, Register's No. 3004-A
Certificate filed in New York Co. No. 696,
Register's No. 8-330
Commission Expires March 30, 1930

New York County Register's No. 1A262
Commission Expires March 30, 1931

CRMC-Motley1000-Subj-003777

STATE OF NEW YORK :
: ss.
COUNTY OF NEW YORK :

BE IT REMEMBERED, That on this tenth day of July, in the year of our Lord, One thousand nine hundred and twenty-nine, before me, the subscriber, Paulita Andrews personally appeared Clarence L. Segay who being by me duly sworn, doth depose and make proof to my satisfaction that he is Assistant Secretary and that he well knows the common seal of JOHNS-MANVILLE CORPORATION, the obligor named in the foregoing bond, that the seal thereto affixed is the proper common seal of the said corporation, and that the same was so affixed thereto, and the said bond signed and delivered by L. M. Voorhees who was at the date and execution thereof Treasurer of said corporation, as the voluntary act and deed of the said Corporation, in the presence of said deponent, and that the said deponent subscribed the same as witness tothe execution thereof.

Subscribed and sworn to at New York, N.Y. this 10th day of July, 1929, before me: duly commissioned and sworn as witness my hand and official seal.

Clarence L. Segay

(L.S.) Paulita Andrews

Notary Public
New York County Clk's No. 193
New York County Register's No. 1 A262
Commission Expires March 30, 1931

CRMC-Motley1000-Subj-003778

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

BENJAMIN PERONE,

Plaintiff,

JOHNS-MANVILLE CORPORATION,
a Corporation of the State
of New York,

Defendant.

Action at Law.
BOND ON REMOVAL

Hobart & Hinard
Attys.of Deft.,
appearing specially,
24 Branford Pl.
Newark, N.J.

Filed July 18, 1929,
Fred L. Bloodgood, Clerk.

CRMC-Motley1000-Subj-003779

NEW JERSEY SUPREME COURT.
SOMERSET COUNTY.

BENJAMIN PERONE,)
Plaintiff,)
-vs-) Action at Law.
) ORDER FOR REMOVAL.
JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,)
Defendant,)

On due notice to the attorney for plaintiff in the above entitled cause, it is on this 16th day of July, 1929, on motion of Hobart & Minard, attorneys for the defendant therein;

O R D E R E D that the petition of said defendant for the removal of said cause to the District Court of the United States, for the District of New Jersey, be and the same is hereby accepted and that the bond presented with said petition be and it herety is accepted and approved and that said petition and bond be filed.

Let the foregoing order be entered.

18th
Entered July ~~16~~ 1929
On motion of
Hobart & Minard
Attorneys of defendant,
appearing specially.

Clarence E. C.
J. S. C.

CRMC-Motley1000-Subj-003780

NEW JERSEY SUPREME COURT

SOMERSET COUNTY.

- - - - - - - - - - - - - - - - - -

BENJAMIN PERONE,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION
a corporation of the
State of New York,

Defendant,

- - - - - - - - - - - - - - - - - -

Action at Law.
ORDER FOR REMOVAL.

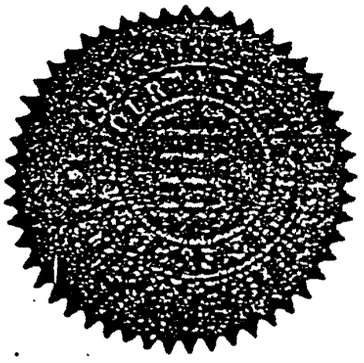
- - - - - - - - - - - - - - - - - -

Hobart & Minard,
Attys. for deft.
appearing specially,
24 Branford Place,
Newark, N. J.

Filed July 18, 1929,
Fred L. Bloodgood, Clerk.

CRMC-Motley1000-Subj-003781

I, the undersigned, Clerk of the Supreme Court of the State of New Jersey, do certify that the foregoing is a true copy of the entire proceedings in the above stated cause as the same remain on file and of record in my office.



In testimony whereof I have set my hand and the seal of said Court at Trenton, this Twenty-se day of July, A. D. nineteen hundred and Twenty-nine

Fred L. Bloodgood
Clerk.

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CRMC-Motley1000-Subj-003783

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

To all to whom these presents shall come, Greeting:

By virtue of the authority vested in me by the Administrator of General Services, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.

(seal)

SIGNATURE

NAME: Anthony J Fantozzi | DATE: 11/3/80

TITLE: Archivist, Archives Branch

NAME AND ADDRESS OF DEPOSITORY:
Federal Archives and Records Center
Building 22 - MOT - Bayonne
Bayonne, N.J. 07002
2NCN

GSA FORM APR 68 6791

CRMC-Motley1000-Subj-003784

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BENJAMIN PERONE,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant.

On motion to quash summons and to dismiss complaint

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY :
: ss.
COUNTY OF ESSEX :

JOHN MURRAY, being duly sworn, according to law, on his oath, says:

I am employed as a clerk in the office of Hobart & Minard, attorneys of defendant. On Tuesday, March 11,1930, at 2.30 p. m., I served upon Samuel Greenstone, attorney of record of the plaintiff, a copy of the rule to show cause herein, dated March 7, 1930, duly certified as a true copy by Hobart & Minard, attorneys of defendant, and on the same day I served upon said Samuel Greenstone a copy of the affidavits filed herein by the defendant, duly certified as true copies by Hobart & Minard, attorneys of defendant.

Said service was made by leaving said copies of said rule to show cause and said affidavits at the office of said Samuel Greenstone No. 972 Broad St., in the City of Newark, N. J., with the person in charge of said office at said time.

Subscribed and sworn to at Newark, N.J. this 12th day of March,1930, before me

John Murray

Geo Hobart
A Notary Public 94J

CRMC-Motley1000-Subj-003785

THE STATE OF NEW JERSEY: TO JOHNS-MANVILLE CORPORATION, a corporation of the State of New York;

(L.S.)

MICHAEL PERONE,

Plaintiff,

You are summoned to answer the annexed complaint of MICHAEL PERONE in an Action at Law in the New Jersey Supreme Court. And take notice that unless you file your answer to said complaint with the Clerk of the New Jersey Supreme Court, at Trenton, New Jersey, within twenty days after the service upon you of this writ and the annexed complaint, the plaintiff may proceed in the suit and judgment may be entered against you.

WITNESS, Honorable William S. Gummere, Chief Justice of the Supreme Court, at Trenton, New Jersey, this 1st day of July, 1929.

Fred L. Blodgood
Clerk

Samuel Greenstone
Attorney for Plaintiff

James E. Novack

CRMC-Motley1000-Subj-003786

NEW JERSEY SUPREME COURT

SOMERSET COUNTY

MICHAEL PERONE,

Plaintiff

-vs-

JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York,

Defendant

ACTION AT LAW

C O M P L A I N T

The plaintiff residing at Bonnie Burn Sanitarium, Scotch Plains, New Jersey, complains of the above named defendant, a foreign corporation, as follows:

1. The plaintiff was in the employ of the defendant corporation at its plant at Manville, New Jersey, in the month of August, 1927, and for several years prior thereto.

2. The defendant corporation at the time herein set forth was engaged in the manufacture of asbestos products for commercial purposes.

3. The said defendant employed the plaintiff at the time and place above set forth in its manufacture of said asbestos products, and that the said defendant not only knew, but should have known that the said asbestos products contained certain dangerous, insidious and harmful agencies commed of asbestos fibers and other particles that were destructive to life and health in the human body when brought into close contact with the same.

4. The defendant not only knew, but should have known the dangerous nature of said asbestos fibers and particles and failed to keep the same in control but was

and to become a victim of tuberculosis and thereby

of the span and duration of life of this

youthful plaintiff, and that by reason of the loss of the

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negligent in allowing the said dangerous fibers and particles to escape and to come within close proximity of the plaintiff's person, and exposed the plaintiff, so that he came into contact with, and inhaled, the said dangerous fibers and particles to the extent that his bronchial tubes, lungs and body became permeated and infected with the same.

5. Plaintiff was not informed or warned by the defendant and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which he was brought into close proximity and contact by the defendant's negligence.

Attorney for Plaintiff.

6. The negligence of the defendant complained of is as follows:

(a) In failing to use reasonable care to provide the plaintiff with a reasonably safe place of work.

(b) In failing to use reasonable care to provide the plaintiff with proper masks or other appliances or safe guards in said work.

(c) In failing to use reasonable care to provide a ventilating system at its plant.

(d) In failing to use reasonable care to give proper warning, information and knowledge about the dangerous character of its work with the said asbestos fibers and particles tothe said plaintiff at the time and place above mentioned.

7. The said asbestos fibers and particles were introduced into the plaintiff's body at the time and place aforesaid, so that the plaintiff was permanently injured externally and internally in and about his head, body and limbs, causing the plaintiff great pain and suffering, both mental and physical, greatly lowered his resistance to disease and he became a victim of tuberculosis and thereby seriously cut off the span and duration of life of this youthful plaintiff, and that by reason of the loss of the

James E. Nowack

CRMC-Motley1000-Subj-003788

being, of his wage earnings, and also the considerable amount of medical expense involved in his effort to retard the suffering from his disease and mend the wrecking of his body, he will be caused to suffer losses, expenses and damages to the extent of $100,000.00.

The plaintiff demands the sum of $100,000.00 as damages from the defendant.

Samuel Greenstone

Attorney for Plaintiff.

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