UNITED STATES DISTRICT Court
DISTRICT OF NEW JERSEY

CONCETTA PERONE, administratrix ad prosequendum of JOhn PERONE, deceased,

Plaintiff

vs.

JOHN'S-MANVILLE CORPORATION, a corporation of the State of New York,

Defendant

Action at Law.

ORDER FOR DISCONTINUANCE.

30/8

The above entitled cause having been settled between the parties thereto;

It is ORDERED, that the same be, and it is hereby discontinued, without cost to either party as against the other.

George T. Cranmer
Clerk
by Edward J. Schmied
Deputy

Entered June 13, 1934

On motion of
Norbert & Minard
Attorneys of defendant

Consent is hereby given to the making and entering of the above order.

Samuel Steinbach
Attorney of Plaintiff

M-715

CRMC-Motley1000-Subj-003616

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY.

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

ACTION AT LAW

REPLY.

The plaintiff, for reply to the answer of the defendant filed herein, says that:-

1. She denies all the affirmative defenses alleged therein.

Samuel Greenstone
Attorney for Plaintiff.

CRMC-Motley1000-Subj-003617

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Notice of Trial—All Law Courts—3

Karkus Brothers, Inc.
Law Blank Publishers, Perth Amboy, N. J.

UNITED STATES DISTRICT Court.

FOR THE DISTRICT OF NEW JERSEY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

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. 1932, at the* Lefcourte Bldg., Newark *in and for the County of* Essex *at ten o'clock in the forenoon, or as soon thereafter as the said Court can attend to the same.*

Dated April 11th *A. D., 1932.*

SAMUEL GREENSTONE

Attorney of Plaintiff.

To HOBART & MINARD, Lefcourte Bldg., Newark, N. J. *Esqs.,*

Attorneys of Defendant.

CRMC-Motley1000-Subj-003618

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY.

Concetta Perone, Admx. &c.	:	
vs.	:	L- 3018
Johns-Manville Corporation	:	
	:	

NOTICE OF FIXING PLACE FOR TRIAL.

Pursuant to Rule 12 I have fixed the place for the trial of the above case at Newark, N.J.

It should be noticed for trial as provided in said rule in order to have it placed on the calendar.

No notice of trial for subsequent terms will be necessary.

George T. Cranmer,
Clerk

By Charles S. Chevrier,
Deputy.

CRMC-Motley1000-Subj-003619

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LAW 3018

New Jersey Supreme Court

SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

COPY OF PROCEEDINGS

Samuel Greenstone,
Attorney for Plaintiff.

FILED

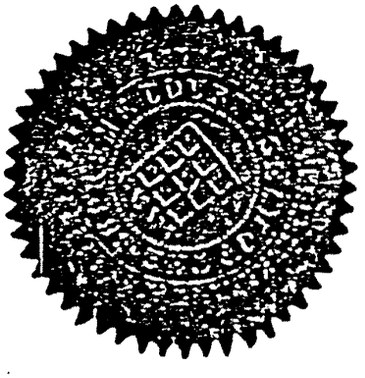
MAR 1[illegible] 1932

AT 9 O'CLOCK [illegible] M.

GEORGE T. CRANMER, CLERK

CRMC-Motley1000-Subj-003620

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 sixteenth day of February, A. D. nineteen hundred and thirty-two.

Fred L Bloodgood
Clerk.

CRMC-Motley1000-Subj-003621

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

(L.S.)

You are summoned to answer the complaint of Concetta Perone, administratrix ad prosequendum of John Perone, deceased, in an action-at-law in the New Jersey Supreme Court, Somerset County, and take notice, that unless you file your answer to said complaint with the Clerk of the said Court at Trenton, New Jersey within twenty days after the service of this writ and the annexed complaint, the plaintiff may proceed with the suit and judgment may be entered against you.

WITNESS: Hon. William S. Gummere, Chief Justice of the New Jersey Supreme Court, at Trenton, New Jersey, this 25th day of January, 1932.

FRED L. BLOODGOOD
CLERK.

SAMUEL GRUENSTONE
ATTORNEY FOR PLAINTIFF.

Commission expires March 30,1933

CRMC-Motley1000-Subj-003622

NEW JERSEY SUPERIOR COURT
SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

ACTION AT LAW

COMPLAINT

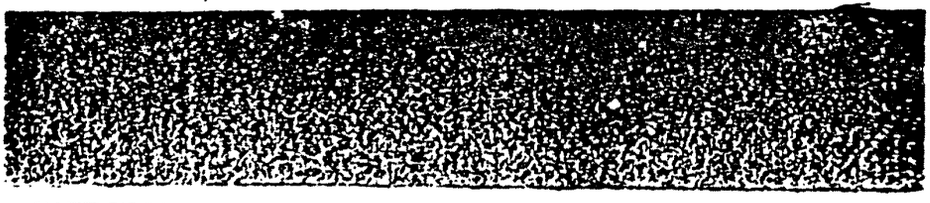
The plaintiff, Concetta Perone, administratrix ad prosequendum of John Perone, deceased, residing at Bound Brook, Somerset County, and State of New Jersey, says that:-

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

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

3. The said defendant employed the intestate at the time and place aforesaid in itsmanufacture of said asbestos products and the said defendant not only knew, but should have known that the said asbestos products contained certain dangerous, insidious and harmful agencies composed 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 the said asbestos fibers and particles, but failed to keep the same in control, and was negligent in allowing the said dangerous fibers and particles to escape and to come into close proximity of the intestate's person, and exposed the intestate so that he came into



CRMC-Motley1000-Subj-003623

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. The intestate 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, by reason of the negligence of the defendant.

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

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

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

(c) In failing to use reasonable care to provide a proper 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 to the intestate, at the time and place above mentioned.

7. The said asbestos fibers and particles were introduced into the intestate's body at the time and place aforesaid so that the intestate was caused to suffer serious injuries externally and internally, in and about his head, body and limbs, causing him great pain and suffering, both mental and physical, greatly lowering his resistance to disease so that he became a victim of pulmonary troubles, and died as a result thereof on December 9, 1931.

8. On the 9th day of January, 1932, the plaintiff, Concetta Perone, was duly appointed by the surrogate of Somerset County, administratrix ad prosequendum of John Perone, deceased, to prosecute an action for damages for the death of her intestate, for the benefit of the

CRMC-Motley1000-Subj-003624

next of kin of John Perone, deceased, and here and now proffers her said letters of administration.

9. The said John Perone left surviving him his mother, Concetta Perone, and his brothers, Ralph Perone, Charles Perone, Nicholas Perone and Benjamin Perone, all dependent upon the said intestate for support.

10. The plaintiff, as administratrix as aforesaid, for the benefit of the said next of kin, is vested by virtue of the statute in such case made and provided with a cause of action against the defendant, for negligently causing the death of her intestate, and brings this action within two years after the death of the said intestate.

11. The said next of kin suffered pecuniary losses by reason of the death of her intestate, John Perone, in the sum of $50,000.00.

JUDGMENT will be claimed in the sum of $50,000.00 as damages from the defendant, by the plaintiff, Concetta Perone administratrix ad prosequendum of John Perone, deceased.

SAMUEL GRUNSTEIN
Attorney for Plaintiff.

(ENDORSEMENT)

Jan. 26. 1932. I served the within summons and complaint upon The Johns-Manville Corporation, a corporation of the State of New York, by serving A. R. Fieser, Plant Manager, personally, at Manville, N. J.

Fee $3.75.

Wm. R. Sutphen
Sheriff of Somerset County
By Chas. H. Murray
Special Deputy Sheriff.

CRMC-Motley1000-Subj-003625

NEW JERSEY SUPREME COURT
MIDDLESEX COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

ACTION AT LAW
SUMMONS AND COMPLAINT

SAMUEL GRUENSTONE
Attorney for Plaintiff
1060 Broad St.,
Newark, N. J.

CRMC-Motley1000-Subj-003626

IN THE [illegible] COURT
[illegible] COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law

NOTICE OF REMOVAL

TO - SAMUEL GREENSTONE, ESQ.,
Attorney for Plaintiff.

TAKE NOTICE that on Saturday, February 13,1932, at ten o'clock in the forenoon or as soon thereafter as the same can be done, we shall file with the Clerk of the New Jersey Supreme Court, at his office in the State House, Trenton, New Jersey, a petition of the Johns-Manville Corporation, the defendant in the above entitled suit, for the removal of said suit to the District Court of the United States for the District of New Jersey; and shall also then and there file the bond mentioned in the said petition.

DATED: February 9th 1932.

Respectfully,

HOBART & MINARD

Attorneys for Defendant, appearing specially.

[redacted]

CRMC-Motley1000-Subj-003627

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law
NOTICE OF REMOVAL

Hobart & Minard, Esqs.,
Attys. for Defendant,
appearing specially,
1190 Raymond Boulevard,
Newark, N. J.

Service of a copy of the within Notice is hereby acknowledged this 11th day of February, 1932.

Samuel Greenstone
Attorney for Plaintiff.

F I L E D
FEB 11 1932

Fred L. Bloodgood

NEW JERSEY SUPREME COURT
Somerset County

CRMC-Motley1000-Subj-003628

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law, by

PETITION FOR REMOVAL

TO THE HONORABLE SUPREME COURT OF THE STATE OF NEW JERSEY:

The petition of JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, the above named defendant, appearing herein specially and for the sole purpose of presenting its petition to this Honorable Court for the removal of this suit to the District Court of the United States, for the District of New Jersey, respectfully shows that:

1. The plaintiff is the only plaintiff in the above suit and at the time of the commencement thereof was and still is a resident and citizen of the State of New Jersey.

2. Your petitioner is the defendant in said suit and was at the time of the commencement thereof and still is a corporation existing under and by virtue of the laws of the State of New York, and is a resident and citizen of said State of New York, and the controversy in said suit is wholly between citizens of different states.

3. Said suit is of a civil nature, at law, and the matter in controversy in said suit exceeds, exclusive of interest and costs, the sum or value of $3,000. to wit, the sum or value of $50,000., the amount demanded by the plaintiff in said suit as damages from your petitioner, the defendant therein.

Commission expires March 30,1933

CRMC-Motley1000-Subj-003629

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 January 26,1932, by leaving a copy thereof with petitioner at Manville, N.J., the time within which the petitioner is required to answer said complaint has not expired but will expire on February 15,1932, 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.

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, 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 S.A.Williams (SEAL)
Vice-President

Attest:
Clarence L.Sager
Assistant Secretary

HOBART & HINARD
Attorneys of Petitioner,
appearing specially, &c.

Commission expires March 30,1933

CRMC-Motley1000-Subj-003630

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

S.A. WILLIAMS of full age,

being duly sworn, according to law, on his oath, says that he is Vice-President 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 4th day of February, 1932, before me :

S.A.Williams

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

(Seal) Paulita Andrews
New York County Clerk's No.185
New York County Register's No.3A252
Commission Expires March 30,1933.

Commission expires March 30,1933.

CRMC-Motley1000-Subj-003631

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law
PETITION FOR REMOVAL

Hobart & Minard, Esqs.,
Attorneys for Defendant,
appearing specially,
1180 Raymond Boulevard,
Newark, N. J.

F I L E D

FEB 11 1932

Fred L. Bloodgood
Clerk

NEW JERSEY Supreme Court of the United

CRMC-Motley1000-Subj-003632

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased,

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 UNION INDEMNITY COMPANY, a corporation of the State of New York, as surety, are held and firmly bound unto CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased, residing at Round Brook, Somerset County, New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased, her successors 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 fifth day of February, 1932.

WHEREAS, the above named CONCETTA PERONE, administratrix ad prosequendum of JOHN PERONE, deceased, 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 New Jersey Supreme Court,

Certificate filed in Richmond, Westchester and Nassau Co.
Commission expires March 30, 1933

CRMC-Motley1000-Subj-003633

to remove said suit into the District Court of the United States, in the District where said suit is pending, to wit, the 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 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.

Attest:

~~Clarence J. Farer~~
Assistant Secretary

JOHNS-MANVILLE CORPORATION

By ~~C. A. Williams~~ (Seal)

UNION INDEMNITY COMPANY

By ~~Frank P. Casey~~
Attorney in fact

Attest:

~~John P. Madigan~~
Attorney in Fact

(SEAL)

Countersigned at Englewood
N.J. this 5th day of February,
1932.
By John Relboun
Duly Authorized Agent

Certificate filed in Richmond, Westchester and Nassau Cos.
Commission expires March 30, 1933

CRMC-Motley1000-Subj-003634

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

NOTA

BE IT REMEMBERED, that on this 4th
day of February, in the year of our Lord, one thousand
nine hundred and thirty-two, before me, the subscriber,
PAULITA ANDREWS
personally appeared CLARENCE L.SAGER 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 S. A. Williams
who was at the date and execution thereof Vice-President
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 to
the execution thereof.

Subscribed and sworn to at
New York, N.Y. this
day of February,1932,
before me,

Clarence L. Sager

duly commissioned and sworn
as witness my hand and of
ficial seal.
(Seal) Paulita Andrews
New York County Clerk's No.188
New York County Register's No.5A282
Commission Expires March 30,1933

Certificate filed in Richmond, Westchester and Nassau Cos.
Commission expires March 30,1933

CRMC-Motley1000-Subj-003635

COUNTY OF NEW YORK } ss.

On this the 5th day of February , 1932 , before me, the subscriber, a NOTARY PUBLIC in and for the County of New York, State of New York, duly commissioned and sworn, personally came Frank P. Casey who, being by me duly sworn, on his oath; deposes and says that he is Attorney in fact of the UNION INDEMNITY COMPANY; that he resides in Bronx, New York that he knows the corporate seal of said Company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed by order of the Executive Committee (which has the powers of the Board of Directors) of said Company, and that deponent signed the foregoing instrument by order of the Executive Committee of said Company as the voluntary act and deed of said Company; deponent further saith that he is acquainted with John P. Madigan and knows him to be attorney in fact of said Company and that the signature of said John P.Madigan subscribed to the foregoing instrument is in the genuine handwriting of said John P.Madigan and was thereto subscribed by order and authority of said Executive Committee and in the presence of said deponent; 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, and the amendments thereof and supplements thereto; 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 UNION INDEMNITY COMPANY is duly incorporated under the laws of the State of Louisiana, and is authorized by the laws of the State and under its Charter to become surety on bonds and obligations such as are mentioned in said Chapter; that it has on deposit with the Superintendent of Insurance of the State of Louisiana, good securities worth at par and at market value at least Three Hundred Thousand Dollars ($300,000.00) held as security for all holders of its obligations, and has a fully paid up, safely invested, and unimpaired capital of One Million Dollars ($1,000,000.00); that said Company has appointed the Commissioner of Banking and Insurance as its 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 said appointment; and that the following is a true copy of a Resolution duly adopted by the Executive Committee (which has the powers of the Board of Directors) of the said UNION INDEMNITY COMPANY, on the 24th day of July, 1929, a quorum being present and that the same remains in full force and effect, to-wit:

> RESOLVED: That HENRY F. WEISSENBORN, GEORGE E. HAYES, NORMAN HOAG, Vice-Presidents, CARROLL W. LAIRD, BERNARD J. VINCENT, FRANK P. CASEY and JOHN L. BONESTEEL, Attorneys-in-fact, be and they hereby are and each of them hereby is authorized and empowered, for or on behalf of the Company, to make, execute and deliver and to attach the seal of the Company to any and all bonds, recognizances, obligations, stipulations and undertakings including co-suretyship, reinsurance agreements and indemnity agreements or anything in the nature of them, which are or may be by law, or by any Statute of the United States of America, or any of the several States or Territories of the United States of America, or any political subdivision thereof, or the rules, regulations, orders, customs, practices or discretion of any board, body, organization, office or officer of the United States of America, or any of the States or Territories of the United States of America, or any political subdivision of any of them, or by any person, firm or corporation allowed, required, or ordered to be executed, made, taken, given, tendered, accepted, filed or recorded, for the security or protection of, by or for any person, firm, corporation, association, organization, body, office, officer, board, government, State or Federal, municipality, or any interest whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything on such terms as may be provided for in any such bond, recognizance, obligation, stipulation, undertaking, agreement or anything in the nature of them; all such bonds, undertakings and agreements, however, to be attested in every instance by one other of the persons above named as occasion may require, or by JOHN P. MADIGAN, Attorney-in-fact, or H. L. BUBASECK, Attorney-in-fact, or J. R. MORAN, Attorney-in-fact, and each of them is hereby authorized and empowered to certify a copy of this Resolution under the Seal of the Company.

Subscribed and sworn to before me the day and year first above written.

(Seal)

Frank P. Casey

Catherine M.Stackpole
Notary Public, Queens County
Queens Co.Clerk's No.3291,Reg.'s no.8414
N.Y.Co.Clerk's No.1911,Reg's.No.3:1193
Kings Co.Clerk's No.194 Reg's No.3787
Bronx Co.Clerk's No.122,Reg's No.384 5 33
Certificate filed in Richmond,Westchester and Nassau Cos.
Commission expires March 30,1933

CRMC-Motley1000-Subj-003636