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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FREDERICK LE GRAND,)
Plaintiff,) Civil No. 741-57
-vs-) ANSWERING AFFIDAVIT
JOHNS MANVILLE PRODUCTS CORPORATION, a corporation of the State of Delaware,)
Defendant.)

FILED

STATE OF NEW JERSEY)
) SS
COUNTY OF ESSEX)

Harold H. Goldberg, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am a licensed medical practitioner of the State of New Jersey specializing in cardiovascular diseases.

2. At the request of Dr. Samuel Einhorn, I examined his patient, Frederick Le Grand, the plaintiff herein, on January 26th, 1955, at which time he specifically requested my opinion as to whether Mr. Le Grand's illness had a cardiac component.

3. After my examination, I advised Dr. Einhorn that I believed the condition to be pulmonary in nature but that the cardiac factor should be evaluated by;

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digitilizing the patient and determing whether the pulmonary cloudiness disappeared. I did not at that time nor at any time before February, 1956, communicate to Dr. Einhorn any diagnosis or impression that Mr. Le Grand was suffering from asbestosis or any other condition arising from an exposure to materials used in his employment.

4. My attention has been called to the abstract from page 143 of the transcript of my testimony before the Division of Workmen's Compensation attached to defendants notice of motion. I note a reference in the transcript to some writing from which I read. To my best recollection this was from a letter I wrote to William L. Brach, Esq., plaintiff's attorney, on April 2nd, 1957. The letter was compiled from results of visits by Mr. Le Grand not only in 1955 but also in February, 1956, when I again saw the patient. In the actual letter, I merely stated it to be "my impression" in January, 1955, that the plaintiff was suffering from pneumoconiosis resulting from handling asbestos material, and I did not at that time communicate this impression to either the patient or Dr. Einhorn. The actual diagnosis referred to in the testimony was not made until I had the benefit of all of the information available to me, including the laboratory tests, x-rays and sputum tests made in 1956.

5. I do not recall making a specific diagnosis as early as 1955 of asbestosis as the studies made as of that time were limited in nature by reason of the task

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assigned to me, namely, to evaluate the cardiac component of the patient's illness.

6. I may have had some impression as early as 1955 that the patient was suffering from pneumoconiosis and I so advised William L. Brach, Esq., in April, 1957 but I did not provide Dr. Einhorn nor Frederick Le Grand with any such diagnosis as there was insufficient objective data to warrant a definitive diagnosis as of that date.

Sworn and Subscribed to before me this 5th day of November, 1958.

Harold H. Goldberg

Harriette Hochberg

NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES SEPT. [illegible]

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