602

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.)

STATE OF NEW JERSEY)
) SS
COUNTY OF ESSEX)

Samuel Einhorn, 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 internal medicine.

2. On November 10th, 1954, I examined and treated the plaintiff, Frederick Le Grand, and have been the treating doctor of Frederick Le Grand since that date to and through the present time.

3. At that time I treated this patient for heart failure, after fluoroscopic examination and receipt of x-ray reports from Dr. Stephen Rozsa I arrived at the conclusion that the patient was suffering from pulmonary congestion with possible cardiac etiology which had to be evaluated clinically.

M-602

CRMC-Motley1000-Subj-002002

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4. On January 19th, 1955, I sent the patient to Dr. Harold Goldberg to evaluate the cardiac component of the illness.

5. Dr. Goldberg, at that time, confirmed his own diagnosis to the effect that his condition appeared to be pulmonary in nature. It was recommended that the patient be kept on digitalis so the cardiac factor could be further evaluated.

6. At no time prior to the second attack in February, 1956, did I conclude that the patient was suffering from asbestosis nor any other condition arising from an exposure in his employment nor was I advised by Dr. Goldberg or any other person that such was the patient's condition. The facts available as of that time were entirely insufficient to justify any such diagnosis and the exact nature of the patient's illness was not ascertained or diagnosed until his hospitalization in 1956, at which time there were further x-rays and laboratory tests, including specifically the examination of the patient's sputum for asbestos particles. Such particles were found in his sputum on February 25th, 1956, when a diagnosis of asbes' sis was first established with a reasonable degree of accuracy.

7. The terms "pulmonary disease" or "pulmonary congestion" or "pulmonary fibrosis" do not of themselves indicate any specific causative agent, and a diagnosis employing any of these terms is consistent with

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