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 Fiordozzi

DATE: 11/3/80

TITLE: Archivist, Archives Branch

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

GSA FORM APR '68 679

Case # L 4010

CRMC-Motley1000-Subj-003989

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UNITED STATES DISTRICT Court
DISTRICT OF NEW JERSEY

ALEXANDER OSOSKI,

Plaintiff

vs.

JOHNS-MANVILLE CORPORATION,

Defendant

Action at Law.

ORDER FOR DISCONTINUANCE.

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

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

George T. Lammer
Clerk
by Columbus H. Cahoon
Deputy

Entered January 8, 1934

On motion of
Hobart & Minard
Attorneys of defendant

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

J Victor Kleinert
Attorney of Plaintiff

[redacted]

CRMC-Motley1000-Subj-003990

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

ALEXANDER OSOSKI
Plaintiff,
vs.
JOHNS-MANVILLE CORPORATION
Defendant.

Action at Law.

Order for Discontinuance

HOBART & MINARD
ATTORNEYS OF DEFENDANT

OFFICE AND POST OFFICE ADDRESS
~~24 BRANFORD PLACE~~
~~NEWARK~~
Lefcourt Building
Newark, N.J.

JAN 11 1934
CLERK U.S. DISTRICT COURT
DIST. OF N.J.

CRMC-Motley1000-Subj-003991

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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

GSA FORM APR 68 6791

CRMC-Motley1000-Subj-003992

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Alexander Ososki,	:	
	:	L- 6010
vs.	:	
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 C. S. Chevrier,
Deputy.

CRMC-Motley1000-Subj-003993

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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. Scardozzi

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 68 679

CRMC-Motley1000-Subj-003994

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALEXANDER OSOSKI,
Plaintiff,
vs.
JOHNS-MANVILLE CORPORATION,
Defendant.

Action at Law

ANSWER

Hopkins & Minard,
Attys. for Defendant
1180 Raymond Blvd.,
Newark, N.J.

FILED
OCT 25 1933
AT 9 O'CLOCK A.M.
GEORGE T. CRANMER, CLERK

CRMC-Motley1000-Subj-003995

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALEXANDER OSOSKI, :

Plaintiff, :

-vs- : Action at Law

JOHNS-MANVILLE CORPORATION, : A N S W E R

Defendant. :

:

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 it has been engaged in the manufacture and distribution of the products therein mentioned from December 28,1926, to the present time, and except that it says that it has engaged, employed and hired a number of men from December 28, 1926, to the present time to perform the operations and mechanical and other labor requisite to the said manufacture and distribution.

2. It denies paragraph 2, except that it says that the plaintiff was employed and hired by it to perform and do certain labor and services at its plant in Manville from December 28,1926, to January 27,1933.

3. It denies paragraphs 3 to 9 inclusive.

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.

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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.

Holland & Hined
Attorneys for Defendant

CRMC-Motley1000-Subj-003997

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 Fontanesi

DATE 11/3/88

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 68 679

CRMC-Motley1000-Subj-003998

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

vs.

JOHNS-MANVILLE CORPORATION,

Defendant

COPY OF PROCEEDINGS

Hobart & Minard,
Attys of Defendant

FILED
OCT 9 1933
AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, CLERK.

CLERK'S OFFICE, TRENTON

CRMC-Motley1000-Subj-003999

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI, :

Plaintiff, :

-vs- : Action at Law

JOHNS-MANVILLE CORPORATION, : NOTICE OF REMOVAL

Defendant. :

:

TO - ISADORE V. KLEINERT, ESQ.,

Attorney for Plaintiff.

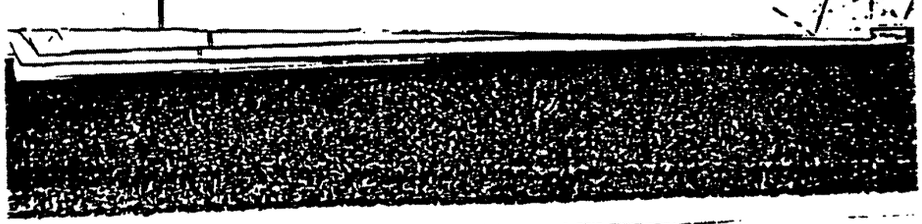
PLEASE TAKE NOTICE that on Tuesday, September 19, 1933, at 10 o'clock in the forenoon (Daylight Savings Time) at the Court House, Somerville, New Jersey, we shall present to his Honor, Joseph L. Bodine, a justice of the Supreme Court, a petition of Johns-Manville Corporation the defendant named in the above suit, for the removal thereof to the District Court of the United States for the District of New Jersey; and shall also then and there present the bond mentioned in the said petition and shall apply for the removal of said suit to said District Court of the United States for the District of New Jersey, and immediately thereafter we shall file said petition and bond; all according to the act of congress in such case made and provided.

DATED: Sept. 15th 1933.

Respectfully,

HOBART & WINLAND

Attorneys for Defendant,
appearing specially, etc.



CRMC-Motley1000-Subj-004000

SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

Defendant.

Action at Law
NOTICE OF REMOVAL

Hobart & Minard,
Attys. for Defendant,
appearing specially, etc.
1180 Raymond Boulevard,
Newark, N.J.

Service of the within Notice of Removal is hereby acknowledged this 16 day of September 1933.

Isadore W. Klepert
Attorney for Plaintiff

F I L E D

Sep. 19, 1933

Fred. L. Bloodgood,

Clerk

CRMC-Motley1000-Subj-004001

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

Defendant.

Action at Law

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 of value of $3,000. to wit, the sum or value of $250,000.00, the amount demanded by the plaintiff in said suit as damages from your petitioner, the defendant therein.

CRMC-Motley1000-Subj-004002

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 September 14, 1933, 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 October 4, 1933, 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, 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 E.M.Voorhees
Vice-President

Attest:
Vandiver Brown
Asst. Sec'y.

(Seal)

HOBART & MIRANO
Attorneys of Petitioner,
appearing specially, etc.

CRMC-Motley1000-Subj-004003

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

E. M. Voorhees 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 18th day of September, 1933 before me a Notary Public duly commissioned and sworn as witness my hand and official seal.

E. M. Voorhees

(Seal)
Paulita Andrews
New York County Clerk's No.143
New York County Register's No. 3A181
Commission Expires March 30,1935

CRMC-Motley1000-Subj-004004

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

Defendant.

Action at Law
PETITION FOR REMOVAL

Hobart & Minard,
Attys. for Petitioner,
appearing specially, etc.
1180 Raymond Boulevard,
Newark, N. J.

F I L E D

Sep. 19, 1933

Fred. L. Bloodgood,

Clerk

CRMC-Motley1000-Subj-004005

U.S.G.CO. BOND NO. 1001602

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

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 UNITED STATES GUARANTEE COMPANY, a corporation of the State of New York as surety, are held and firmly bound unto ALEXANDER OSOSKI, residing in the Township of South Bound Brook, in the County of Somerset, in the State of New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said ALEXANDER OSOSKI, 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 fifteenth day of September, 1933.

WHEREAS, the above named ALEXANDER OSOSKI, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said Johns-Manville Corporation; 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,

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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.

JOHNS-MANVILLE CORPORATION

By E. M Voorhees
Vice-President

(Seal)
Attest:

Vandiver Brown
Asst. Secty.

UNITED STATES GUARANTEE COMPANY

By James G. Cannon
Vice-President

Countersigned at Hackensack, N.J.
By:

IRVING H. LABAGH
Resident Agent

And Ward E. Flaxington
Assistant Secretary

CRMC-Motley1000-Subj-004007

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

BE IT REMEMBERED, That on this 18th day of September, in the year of our Lord, One thousand nine hundred and thirty-three, before me, the subscriber, Paulita Andrews personally appeared Vandiver Brown who being by me duly sworn, doth depose and make proof to my satisfaction that he is Assistant Secretary of 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 E. M. Voorhees 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 18th day of September, 1933, before me a Notary Public duly commissioned and sworn as witness my hand and official seal.

Vandiver Brown

Paulita Andrews
New York Co. Clks No.143
New York Co. Register's No.3A181
Commission Expires March 30,1935
(Seal)

CRMC-Motley1000-Subj-004008

87TH SEMI-ANNUAL STATEMENT. JUNE 30. 1933

ADMITTED ASSETS. $9,470,811.30 — SURPLUS TO POLICY-HOLDERS. $3,702,391.92

ASSETS		
United States Government Bonds		$1,935,183.02
State and Municipal Bonds		633,868.77
Railroad Bonds and Stocks		1,252,454.38
Public Utility Bonds and Stocks		1,822,853.17
Miscellaneous Bonds and Stocks		2,183,179.36
Total		7,827,538.70
Cash in Banks	$656,474.36	
Cash in Office	7,115.00	663,589.36
Premiums, not over three months due		867,745.45
Reinsurance Receivable		47,177.81
Accrued Interest		52,217.31
Accounts Receivable		12,542.67
Total Assets		$9,470,811.30

LIABILITIES		
Reserve for Unearned Premiums		$2,091,776.14
Reserve for Losses and Claims		1,881,616.92
Reserve for Loss Adjustment Expense		28,966.23
Commissions and Brokerage		185,225.03
Federal and State Taxes		100,090.30
Reinsurance Reserves		250,042.86
Accounts Payable		78,132.20
Voluntary Reserve		300,000.00
Contingency Reserve		852,569.70
		5,768,419.38
Capital Paid In	$1,000,000.00	
Surplus	2,702,391.92	
Surplus to Policy-holders		3,702,391.92
Total Liabilities		$9,470,811.30

Contingency Reserve above represents the full difference between "Convention" value of Securities owned and actual market quotations on June 30, 1933.

A Correct Statement.

Ward L. Lexington
Assistant Secretary.

DIRECTORS

WILLIAM H. ALLEN, *Chubb & Son*	New York
A. M. ANDERSON, *J. P. Morgan & Co.*	New York
WM. HENRY BARNUM, *President, Continental Mortgage Guarantee Co*	New York
HENDON CHUBB, *Chubb & Son*	New York
CLINTON H. CRANE, *President, St. Joseph Lead Co.*	New York
MOREAU DELANO, *Brown Brothers Harriman & Co.*	New York
WILLIAM A. HAMILTON,	Boston
JUNIUS S. MORGAN, *Chubb & Son*	New York
GEORGE H. REANEY, *President*	New York
REEVE SCHLEY, *Vice-President, Chase National Bank*	New York
DANIEL T. TOMPKINS,	New York
J. Y. G. WALKER, *Walker Bros.*	New York

CRMC-Motley1000-Subj-004009

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UNITED STATES GUARANTEE COMPANY

(ORGANIZED 1896)

90 JOHN STREET, NEW YORK, N. Y.

OFFICERS

HENDON CHUBB
Chairman of Executive Committee

GEORGE H. REANEY
President

JOHN T. JONES
Vice-President

WILLIAM E. SCHENCK
Vice-President

JAMES G. CANNON
Vice-President and Secretary

JUNIUS L. POWELL
Treasurer

EDWARD E. STALLING
Secretary Fidelity Department

FIDELITY

SURETY

CASUALTY

87TH SEMI-ANNUAL STATEMENT
JUNE 30, 1933

CRMC-Motley1000-Subj-004010

personally came Ward E. Flaxington to me known and by me known to be Assistant Secretary of the UNITED STATES GUARANTEE COMPANY, the corporation described in and which executed the annexed bond on behalf of JOHNS-MANVILLE CORPORATION and the said Ward E. Flaxington being by me duly sworn, did depose and say that he resides in the City of New York, in the State of New York; that he is Assistant Secretary of said UNITED STATES GUARANTEE COMPANY, and knows the corporate seal thereof; that the seal affixed to the said annexed instrument is such corporate seal, and was thereto affixed by order and authority of the Board of Directors of said Company, and that he signed said annexed instrument as Assistant Secretary of said Company by like order and authority; and that he is acquainted with James G. Cannon and knows him to be Vice President of said Company and that the signature of said James G. Cannon subscribed to said annexed instrument is in the genuine handwriting of said James G. Cannon and was thereto subscribed by order and authority of said Board of Directors and in the deponent's presence; and that said Company is duly and legally incorporated under the laws of the State of New York, and that the assets of said Company, unencumbered and liable to execution, exceed its debts, claims and liabilities of every nature whatsoever by more than the sum of two million dollars, and that the attached statement of said Company's assets and liabilities signed by deponent, is true and correct, and that the liabilities of said Company do not exceed its assets as ascertained in the manner provided in the Insurance Law of the State of New York.

Subscribed, Sworn to and Acknowledged, before me on the date above written.

Harry Gordon

(Officer's Signature, Description and Seal)

Ward E. Flaxington

(DEPONENT'S SIGNATURE)

Notary Public, Kings County No. 235
N. Y. Co. Cl'k No. 638 Reg. No. 4G-365
Commission Expires March 30, 1934

Certified Copy of Resolution authorizing Execution of Bonds

At a regular meeting of the Board of Directors of the UNITED STATES GUARANTEE COMPANY, of New York, duly held at the office of the Company in New York City, on the 17th day of February, 1932, a quorum being present, on motion it was unanimously

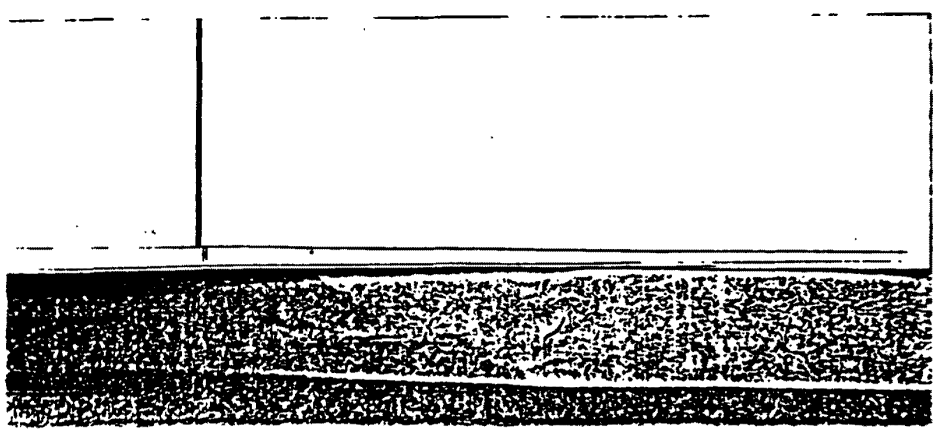
"*RESOLVED*, that George H. Reaney, President, or William E. Schenck or James G. Cannon or John T. Jones, Vice-Presidents of this Company, or Ira C. Miller, who is hereby appointed an Attorney-in-Fact of this Company for the purposes specified in this resolution, and James G. Cannon, Secretary, or Ward E. Flaxington or George J. Zwier, Assistant Secretaries of this Company, or Thomas R. Dew or Thomas M. Reilly, who are hereby appointed Attorneys-in-Fact of this Company for the purposes specified in this resolution, be and they are hereby authorized to jointly execute under their respective designations, in this Company's name, and to affix its corporate seal to, and deliver for and on its behalf, as surety thereon or otherwise, bonds or obligations given or executed in the course of this Company's business, and any instruments amending or altering the same, and consents to the modification or alteration or assignment of any instruments referred to in said bonds or obligations, and the execution of any and all such instruments in this Company's name and on its behalf as surety thereon or otherwise by such President or either of such Vice-Presidents or such Attorney-in-Fact and such Secretary or either of such Assistant Secretaries or either of such Attorneys-in-Fact under the seal of this Company, in pursuance of the authority hereby conferred, shall be valid and binding upon this Company."

CITY AND COUNTY OF NEW YORK: ss.

I, Ward E. Flaxington, Assistant Secretary of the United States Guarantee Company, do hereby certify that I have compared the foregoing resolution with the original thereof as recorded in the Minute Book of said Company, and that the same is a correct and true transcript therefrom, and of the whole of said original resolution, and that said resolution has not been modified nor rescinded. Given under my hand and the seal of said Company at the City of New York, this 16th day of September 193 3.

Ward E. Flaxington
Asst. Secretary

Form 194



CRMC-Motley1000-Subj-004011

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

Defendant.

Action at Law
ORDER FOR REMOVAL

Hobart & Minard
Attys.for Deft.
appearing specially,etc.
1180 Raymond Boulevard,
Newark, N.J.

F I L E D

Sep. 19 1933

Fred. L. Bloodgood,

Clerk

CRMC-Motley1000-Subj-004012

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI, :
Plaintiff, : Action at Law
-vs- : ORDER FOR REMOVAL
JOHNS-MANVILLE CORPORATION, :
Defendant. :
:

On due notice to the attorney for plaintiff in the above entitled cause, it is on this 19th day of September, 1933, 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 hereby is accepted and approved and that said petition and bond be filed.

Let this order be entered.

J. L. Bodine
J. S. C.

Entered Sept.19th 1933
on motion of
HOBART & MINARD

Attorneys of Defendant,
appearing specially,etc.

CRMC-Motley1000-Subj-004013

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ALEXANDER OSOSKI,

Plaintiff,

-vs-

JOHNS-MANVILLE CORPORATION,

Defendant.

Action at Law
BOND ON REMOVAL

Hobart & Minard,
Attys. for Defendant,
appearing specially, etc.
1180 Raymond Boulevard,
Newark, N.J.

F I L E D

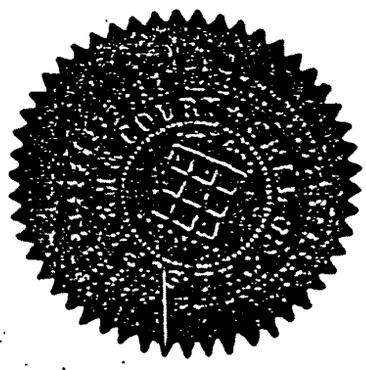
Sep. 19, 1933

Fred. L. Bloodgood,

Clerk

CRMC-Motley1000-Subj-004014

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-fifth day of September A. D. nineteen hundred and thirty-three

Fred L. Bloodgood
Clerk.

CRMC-Motley1000-Subj-004015

New Jersey Supreme Court.
SOMERSET COUNTY.

Alexander Ososki,
Plaintiff,
-vs-
Johns-Manville Corporation,
Defendant.

Copy of
Summons and Complaint.

Isadore V. Klenert,
Attorney for Plaintiff.

CLERK'S OFFICE, TRENTON,

CRMC-Motley1000-Subj-004016

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THE STATE OF NEW JERSEY TO

JOHNS-MANVILLE CORPORATION

(SEAL)

YOU ARE SUMMONED to answer the annexed complaint of ALEXANDER OSOSKI 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 said NEW JERSEY SUPREME COURT, at Trenton within twenty days after 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, HON. THOMAS J. BROGAN, Chief Justice of the Supreme Court, at Trenton this 12th day of September nineteen hundred and thirty-three.

ISADORE V. KLENERT, ESQ.,

Attorney

FRED L. BLOODGOOD, Clerk.

121 Ellison Street,
Paterson, N.J.

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said interior of the said plant, factory or establishment was constantly filled with mineral and stone dusts and minute particles surcharging and permeating in the atmosphere of said interior; such condition being attendant upon and concomittent with the said fibre grinding operation; said dust being present in clouds, jets and spurts and rendering breathing very precarious and dangerous, unless adequate protection and safeguards were furnished and provided; all of which defendant company, by its servants, agents and employees had actual and constructive knowledge and notice.

4. By reason of the negligence, carelessness and recklessness of the defendant company, by its servants, agents and employees, in failing to provide and furnish proper and fit safeguards and protections essential and indispensible in the premises, plaintiff was caused to fall sick and contract diseases and afflictions and exacerbations, aggravations and complications thereof, and all to the plaintiff's great injury and damage.

5. The said diseases and afflictions and exacerbations, aggravations and complications thereof were approximately caused by the negligence of the defendant company by its servants, agents and employees in the following particulars:

(a) In wholly and utterly failing or omitting to provide and maintain proper, safe and decent and fit safeguards for the plaintiff in his said occupation.

(b) In wholly and utterly failing to provide, furnish and maintain proper, fit, decent and safe ventilation system for the protection of the said plaintiff.

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a ventilation system for the protection of the said plaintiff, which became and was inadequate, defective and useless and which rendered the situation worse than before.

(d) In wholly and utterly failing and omitting to provide, furnish and maintain proper breathing apparatus, masks and face hoods for the protection of the said plaintiff.

(e) In wholly and utterly failing and omitting to provide, furnish and maintain a proper temperature within the interior of said plant, factory or establishment so that the windows or doors and other means of natural ventilation might be safely available.

(f) In wholly and utterly failing and omitting to provide, furnish and maintain a vent or blowing system to clear the atmosphere of the said interior of the lethal, deadly and dangerous mineral and stone dust and minute particles with which it was surcharged and permeated.

(g) In undertaking to provide a vent and blowing system for the last recited purposes and which became and was inadequate, defective and useless thereby rendering the situation worse than before.

(h) In knowingly, wilfully, carelessly, recklessly and negligently permitting, allowing, causing and suffering the said condition to remain and exist for a long period of time with full knowledge and notice of its detrimental, dangerous, lethal and deadly effects upon the respiration and breathing of the said plaintiff.

(i) In wholly and utterly failing and omitting to provide, furnish and maintain notices and warnings to the plaintiff of the dangers and risks inherent in and attendant upon the said condition of the said atmosphere as aforesaid.

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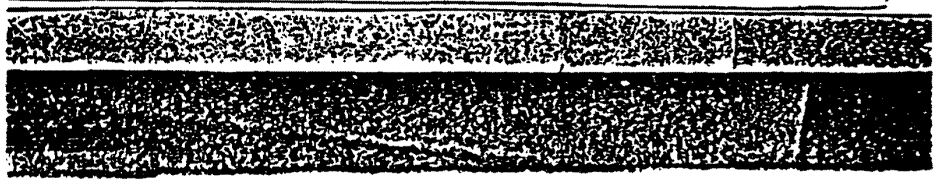
(j) In permitting, causing, suffering and allowing the said lethal, deadly, dangerous and detrimental condition of the said atmosphere to remain and continue after full knowledge and notice of the diseases, afflictions, and exacerbations, aggravations and complications thereof, to which the plaintiff was then and there being daily subjected and exposed.

(k) In wholly and utterly failing and omitting to make known, explain and point out to the plaintiff that his continuing in the employ of the defendant company under these said conditions would be attendant with grave risks and dangers and in permitting, causing, suffering, allowing the plaintiff to remain in its employ after the contraction by him of the aforementioned diseases and afflictions and exacerbations, aggravations and complications thereof, the plaintiff being unaware of his said exposure and subjection of the aforesaid hazard and risks for a long period of time.

(l) In wholly and utterly failing and omitting to observe its duty to the plaintiff under the circumstances.

6. By reason of such negligence, carelessness and recklessness on the part of the defendant company by its servants, agents and employees the plaintiff contracted grave, serious and permanent injuries, to wit:-

The plaintiff contracted active pulmonary tuberculosis of both lungs; pathology in his chest with some dyspenoea; impairment of his cardiac circulatory apparatus; diseases of the chest, lungs and heart, diaphragm respiratory, organs, mucous membranes, and nervous system; the plaintiff also contracted neurotic, neurasthenic, psychastehenic, and other mental and nervous disorders. Plaintiff has also contracted and suffered and still suffers



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and their numerous, varied and multiple afflictions, aggravations and complications. All of the aforegoing have caused the plaintiff temporary and permanent injuries and disability and have caused him and still causes him pain and deprived him of the normal uses of his body and its members and has hampered his normal bodily movements, and as plaintiff is informed and verily believes will permanently cause him pain and deprive him of the normal uses of his body and its members.

7. As a result of the negligence, carelessness and recklessness on the part of the defendant company, by its servants, agents and employees, the plaintiff suffered great mental anguish and great pain and shock to his nervous system.

8. By reason of the said diseases, afflictions and exacerbation, aggravation and complications thereof, the plaintiff was confined to his bed for a long period of time and was totally unable to follow his usual occupation for a long period of time. Plaintiff is informed and verily believes that on account of the nature of the said disease, afflictions and exacerbation, aggravation and complications thereof he will be seriously impairedin the future from engaging in his usual work and occupation for a long period of time and thus will be deprived of earning his livelihood and pursuing the natural course of his life.

9. By reason of the said diseases, afflictions and aggravations, and complications thereof caused as aforesaid by the negligence, recklessness and carelessness of the defendant company, by its servants, agents and employees, the plaintiff has necessarily paid or become liable to pay and will in the future pay or become liable to pay

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Sept. 14, 1933. I served the within summons and complaint upon the Johns-Manville Corporation by handing its Plant Manager A. R. Fisher, a true copy thereof, personally at his usual place of business in Manville, N. J.

Fees $3.74

Wm. R. Sutphen

Sheriff of Somerset County

By Remsen Howard

Under Sheriff

NEW JERSEY SUPREME COURT
SOMERSET COUNTY
- - - - - - - - - - - - - - -

Alexander Ososki,

Plaintiff,

-vs-

Johns-Manville Corporation,

Defendant.
- - - - - - - - - - - - - - -

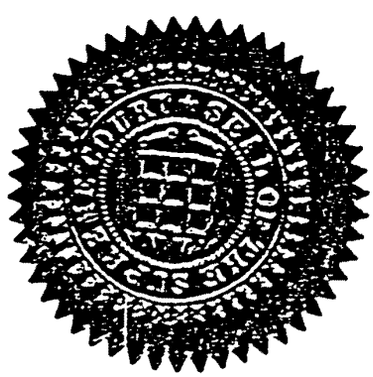
ACTION AT LAW
COMPLAINT
- - - - - - - - - - - - - - -

Isadore V. Klenert, Esq.,
Att'y for Plaintiff
121 Ellison Street,
Paterson, New Jersey.

FILED
OCT. 4, 1933
Fred L. Bloodgood
Clerk.

CRMC-Motley1000-Subj-004022

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



In testimony whereof I have set my hand and the seal of said Court at Trenton, this fifth day of October A. D. nineteen hundred and thirty-three.

Fred F. Bloodgood

Clerk.

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