THE STATE OF NEW JERSEY: TO JOHNS-MANVILLE CORPORATION, A Corporation of the State of New York.

(L.3.)

You are summoned to answer the annexed complaint of Anna Strelec, administratrix ad prosequendum of the estate of Mike Strelec, deceased, 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 October, 1929.

Fred L. Bloodgood
Clerk

Samuel Greenstone
Attorney for Plaintiff

Assistant Secretary.

CRMC-Motley1000-Subj-003541

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NEW JERSEY SUPREME COURT

SOMERSET COUNTY

ANNA STRELEC, Administratrix ad prosequendum of the rights, goods, chattels and credits of MIKE STRELEC, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law

COMPLAINT

The plaintiff, Anna Strelec, administratrix ad prosequendum of the rights, goods, chattels and credits of Mike Strelec, deceased, residing at Manville, New Jersey, says that

1. The intestate, Mike Strelec, was in the employ of the defendant corporation, at its plant in Manville, New Jersey, in the year 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 intestate at the time and place above set forth in its manufacture 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 said asbestos fibers and particles, and failed to keep the same in control, but 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 contact

Assistant Secretary.

CRMC-Motley1000-Subj-003542

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with, and inhaled, the said dangerous fibers and particles to the extent that his bronchial tubes, lungs and body became infected with the same.

5. 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 the defendant's negligence.

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 safe guards 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, and his resistance power was lowered, and he died, as a result thereof, on January 11, 1928.

8. On the 4th day of June, 1929, the plaintiff, Anna Strelec, was duly appointed, by the surrogate of Somerset County, administratrix ad prosequendum of Mike Strelec, to prosecute the action for damages, for the death of her intestate, for the benefit of the widow and the next of kin of Mike Strelec, deceased, and now proffers her letters of administration.

Assistant Secretary.

CRMC-Motley1000-Subj-003543

9. The said Mike Strelec left surviving him, his widow, Anna Strelec, administratrix, as aforesaid, Mike Strelec; Peter Strelec; Tony Strelec; Mary Belada; John Strelec; James Strelec; Olga Strelec and Walter Strelec, all dependent upon the said intestate for support.

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

11. The said widow, and next of kin, suffered pecuniary losses, by reason of the death of the said Mike Strelec, in the sum of $40,000.00

Plaintiff demands the sum of $40,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff

CRMC-Motley1000-Subj-003544

Oct. 4, 1929, I served the within summons and complaint upon Johns-Manville Corporation a corporation of the State of New York, by serving Archibald Hughes its Superintendant, personally at Manville, N. J.

Fees $3.78

Ira E. Brokaw Sheriff.

Marvin Sheets Under Sheriff.

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

Anna Strelec, administratrix ad prosequendum of the rights, goods, chattels and credits of Mike Strelec,

Plaintiff,

-vs-

Johns-Manville Corporation, a Corporation of the State of New York,

Defendant

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

Action at Law

SUMMONS and COMPLAINT

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

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

F I L E D

Oct 7 1929

Fred L. Bloodgood
Clerk

CRMC-Motley1000-Subj-003545

NEW JERSEY SUPERIOR COURT
SOMERSET COUNTY

[illegible] STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased,	:	
Plaintiff,	:	
-vs-	:	Action at Law
[illegible]-MANVILLE CORPORATION, a Corporation of the State of New York.	:	NOTICE OF REMOVAL
Defendant.	:	
	:	

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

PLEASE TAKE NOTICE that on Tuesday, October 8, 1929, at 10.30 o'clock in the forenoon, or as soon thereafter as we may be heard, at the Court House in Morristown, N.J., we shall present to his Honor, Charles W. Parker, one of the Justices of the Supreme Court, a petition of Johns-Manville Corporation, the defendant named in the above entitled suit, for the removal of the said suit to the District Court of the United States, for the District of New Jersey; and shall also then and there present to the said justice the bond mentioned in the said petition and shall also apply for the removal of the said cause to the 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: Oct. 5th 1929. Respectfully

[illegible] & HERRICK

Attorneys for Defendant,
appearing specially.

CRMC-Motley1000-Subj-003546

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased,

Plaintiff,

-vs-

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

Defendant

NOTICE OF REMOVAL

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

Service admitted this 5th day of October, 1929.

Samuel Greenstone
Attorney for Plaintiff.

F I L E D

Oct 10 1929

Fred L. Bloodgood
Clerk

CRMC-Motley1000-Subj-003547

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased,

Plaintiff,

-vs-

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

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 or value of $3,000., to wit, the sum or value of $40,000.00, the amount demanded by the plaintiff in said suit as damages from your petitioner, the

at the City of New

Assistant Secretary.

CRMC-Motley1000-Subj-003548

defendant therein.

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 October 4, 1929, 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 yet expired but will expire on October 24, 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.

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.

(45)

And your petitioner will ever pray, &c.

JOHNS-MANVILLE CORPORATION
By C. H. Vivian
Treasurer

Attest
Clarence L. Nagle.
Assistant Secretary

[redacted]
Attorneys of Petitioner,
appearing specially.

at the City of [redacted]

[redacted]
Assistant Secretary.

CRMC-Motley1000-Subj-003549

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

E. M. Vonhess 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 $3,000.00; 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.

E. M. Vonhess

Subscribed and sworn to at New York, N.Y. this 7th day of October, 1929, before me

T. C. Rowe, Jr.

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

T. C. Rowe Jr.
Notary Public #753
New York County
My commission expires
March 1 '31
(LS)

at the City of New York

Assistant Secretary.

CRMC-Motley1000-Subj-003550

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

ANNA STRELEC, administratrix
ad prosequendum of MIKE STRELE
deceased,

Plaintiff

-vs-

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

Defendant

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

PETITION FOR REMOVAL

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

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

F I L E D

Oct 10 1929

Fred L. Bloodgood
Clerk

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

CRMC-Motley1000-Subj-003551

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, 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 NEW YORK INDEMNITY COMPANY, a corporation of the State of New York, as surety, are held and firmly bound unto ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased, residing at Manville, New Jersey, in the penal sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, 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 7th day of October, 1929.

WHEREAS, the above named ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, 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,

at the City of New York, this _____ day of _____ A. D. 19__

Assistant Secretary.

CRMC-Motley1000-Subj-003552

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.

JOHNS-MANVILLE CORPORATION

By C. H. Vanhorn
Treasurer

(CS)

Attest:

Clarence L. Boyer.
Assistant Secretary.

THE NEW YORK INDEMNITY COMPANY

By John C. Gallagher
Attorney-in-Fact

Witness:

Mildred A. Burke
As to surety

(CS)

at the City of New York, this _____ day of _____ A. D. 19__

Assistant Secretary.

CRMC-Motley1000-Subj-003553

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

BE IT REMEMBERED, that on this 7th day of October, in the year of our Lord, One thousand nine hundred and twenty-nine, before me, the subscriber, T. C. Rowe Jr personally appeared Clarence L. Hayes Esq 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 E. 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 to the execution thereof.

Subscribed and sworn to at New York, N.Y. this 7th day of October, 1929, before me
T. C. Rowe, Jr
duly commissioned and sworn as witness my hand and official seal.

Clarence L. Hayes

T. C. Rowe Jr
Notary Public #753
New York County
My Commission Expires
March 1931

(CS)

at the City of New York, this ____ day of ____ A. D. 19__

Assistant Secretary.

CRMC-Motley1000-Subj-003554

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

of and State of its true and lawful Attorney , with full power and authority hereby conferred in its name, place and stead, to sign, execute and acknowledge

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, 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 or 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, and any and all bonds recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Secretary.

"Section 6. Attorneys-in-Fact.—Attorneys-in-Fact are hereby authorized to certify 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 day of A. D. 19

(Seal)

New York Indemnity Company

By

Vice-President.

Attest:

Assistant Secretary.

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

On this day of A. D. 19, before me personally came to me known, who, being by me duly sworn, did depose and say, that he resides in the ; 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.

(Seal)

Notary Public.

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

I, 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 day of A. D. 19

Assistant Secretary.

CRMC-Motley1000-Subj-003555

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

On this Seventh day of October, 192 X, 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* 7th *day of* October *A. D.* 192 9 *before me, a* NOTARY PUBLIC *duly commissioned and sworn.*

John C. Gallagher

James E. Nowack

CRMC-Motley1000-Subj-003556

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

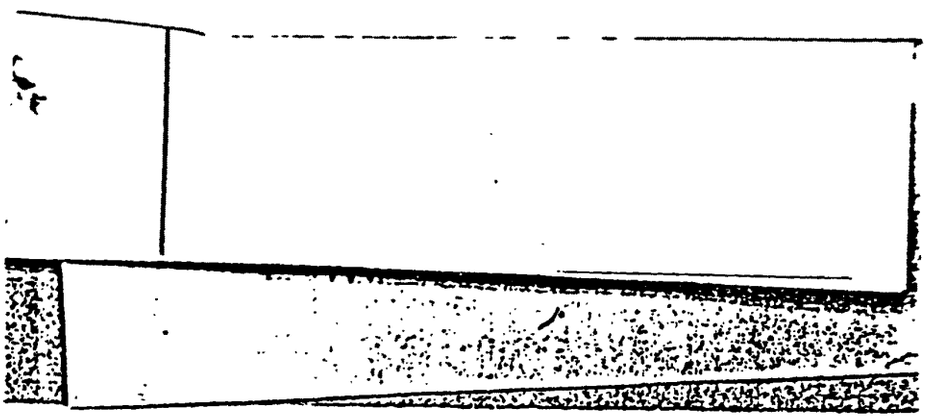
STATE OF NEW YORK, }
COUNTY OF NEW YORK } ss.

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 Klein

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. 6378
Commission Expires March 30, 1930



CRMC-Motley1000-Subj-003557

NEW JERSEY [illegible] COURT
SOMERSET COUNTY
- - - - - - - - - - - - - - - -

ANNA STRELEC, administratrix
ad prosequendum of [illegible]
STRELEC, deceased,

Plaintiff,

-vs-

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

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

BOND ON REMOVAL
- - - - - - - - - - - - - - - -

Hobart & Minard
Attorneys for defendant
appearing specially
24 Branford Place
Newark, N. J.

F I L E D

Oct 10 1929

[illegible] L. Bloodgood
Clerk

NEW JERSEY SUPREME COURT

CRMC-Motley1000-Subj-003558

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NEW JERSEY SUPREME COURT
ESSEX COUNTY

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at law

ORDER FOR REMOVAL

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

ORDERED 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 hereby is 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 the foregoing order be entered.

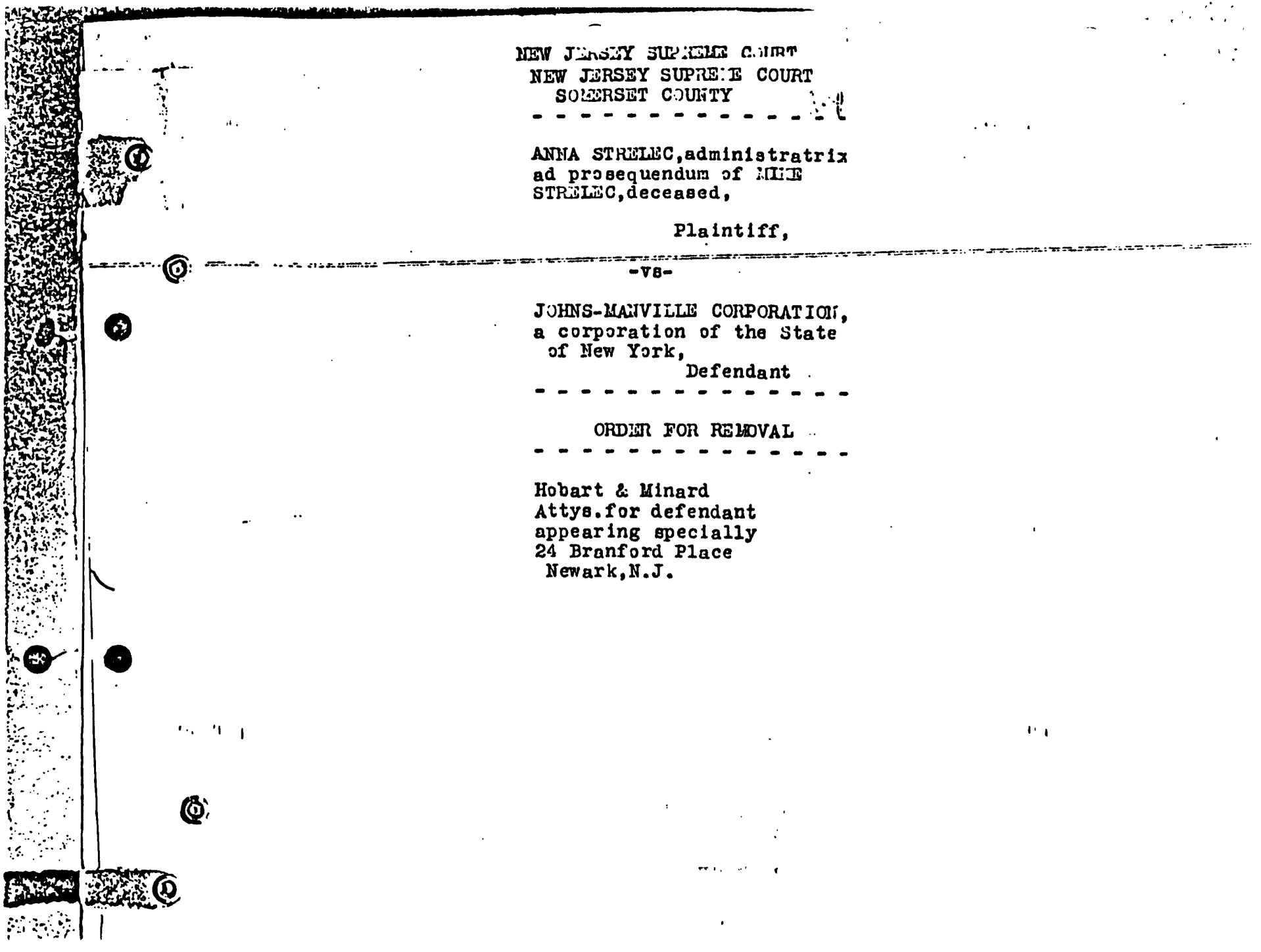
Entered Oct. 8, 1929
On motion of
Hobart & Minard
attorneys of defendant
appearing specially.

G. N. Parker
J. S. C.

Clerk.

CRMC-Motley1000-Subj-003559

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

ANNA STRELEC, administratrix
ad prosequendum of MIKE
STRELEC, deceased,

Plaintiff,

-vs-

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

Defendant
- - - - - - - - - - - - - -

ORDER FOR REMOVAL
- - - - - - - - - - - - - -

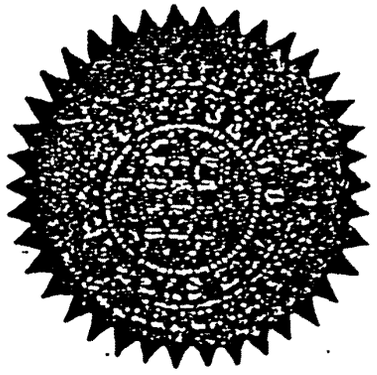
Hobart & Minard
Attys. for defendant
appearing specially
24 Branford Place
Newark, N.J.

CRMC-Motley1000-Subj-003560

Strelec v. Johns-Manville, Wrongful Death Suit for Mike Strelec (1929)
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Fred L. Bloodgood,

I, ~~Edward J. Kelleher~~, 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 Fifteenth day of October A. D. nineteen hundred and twenty-nine.

Fred L. Bloodgood
Clerk.

CRMC-Motley1000-Subj-003561

LAW 2016

New Jersey Supreme Court

Somerset County.

Anna Strelec, administratrix ad prosequendum of the rights, goods, chattels and credits of Mike Strelec,

Plaintiff,

vs.

Johns-Manville Corporation, a corporation of the State of New York,

Defendant.

COPY OF PROCEEDINGS

Samuel Greenstone,
Attorney for Plaintiff.

FILED

1929

CLERK'S OFFICE, TRENTON

CRMC-Motley1000-Subj-003562

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad prosequendum of the rights, goods, chattels and credits of MIKE STRELEC, deceased,

Plaintiff,

vs.

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

Defendant.

On motion to quash summons and dismiss complaint.

AFFIDAVIT OF SERVICE

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 her residence in Manville, N. J.

Archibald Hughes

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

A Notary Public of New Jersey

CRMC-Motley1000-Subj-003563

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad prosequendum of the rights, goods, chattels and credits of MIKE STRELEC, deceased, Plaintiff, -vs- JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, Defendant.	On motion to quash summons and to dismiss complaint ORDER FOR DISCONTINUANCE

This matter coming on to be heard 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 7, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and it appearing that a copy of said rule was duly served upon the plaintiff, and the plaintiff's attorney, within the time and in the manner required by said rule; and the attorney of the plaintiff having stated in open court that although he had been properly retained and authorized to commence the above action, he did not desire to continue it against the present wishes of his client and would therefore consent to a discontinuance of the same;

ORDERED, that said action be and the same is hereby discontinued without costs.

DATED: April 14 1930.

Rule entered this 15 day of April, 1930, on motion of Hobart & Minard Attorneys of Defendant.

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

CRMC-Motley1000-Subj-003564

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad prosequendum of the rights, goods, chattels and credits of MIKE STRELEC, deceased,

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

John Murray

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad prosequendum of the rights, goods, chattels and credits of MIKE STRELEC, deceased, 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 2016

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 7th 1930.

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

U.S.D.J.



CRMC-Motley1000-Subj-003566

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad Prosequendum of Mike Strelec, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law

AFFIDAVIT OF ARCHIBALD HUGHES

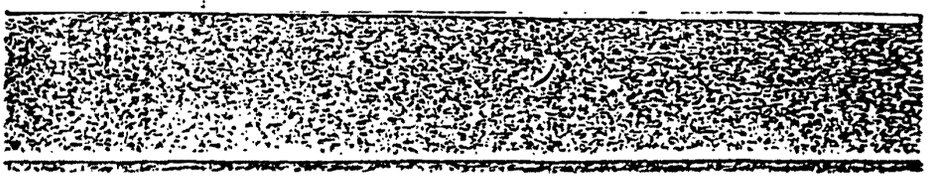
STATE OF NEW JERSEY ;
: ss.
COUNTY OF ESSEX :

ARCHIBALD HUGHES, being duly sworn according to law deposes and says:

I reside at #143 Eastern Avenue, Somerville, New Jersey and I am employed at the Manville, N. J. plant of the Johns-Manville Corporation as General Manager.

I was present at an interview between Mr. Emil Ramer and Mrs. Anna Strelec, which interview was conducted in Mrs. Strelec's home in the Borough of Manville, Somerset County, New Jersey, on November 8, 1929. There was present at the interview in addition to Mrs. Strelec, Mr. Ramer and myself, Miss Linda Meirs, the community nurse of Manville.

Mrs. Strelec spoke a little English but most of the conversation between Mr. Ramer and Mrs. Strelec was conducted in the Polish language which I do not understand. However, there was enough of the conversation conducted in English for me to know that Mr. Ramer had explained to Mrs. Strelec that he desired to take a written statement from her as to the manner in which the suit was started by her as administratrix ad prosequendum of the estate of



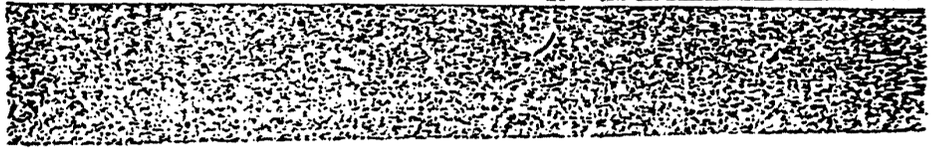
CRMC-Motley1000-Subj-003567

Mike Strelec, deceased, against the Johns-Manville Corporation by summons dated October 1, 1929, and the circumstances which led up to the starting of that suit. Mr. Ramer wrote out a statement in ink upon three sheets of yellow paper during the course of his conversation with Mrs. Strelec and when the statement was entirely written he then read from it translating the statement to Polish and after Mrs. Strelec had spoken to Mr. Ramer in Polish she addressed some conversation in English to Miss Meirs and to me. At that time Mrs. Strelec said to me and to Miss Meirs that she was sorry she had made so much trouble; that she did not wish to be mixed up with lawyers and she hoped that no harm would come to her in her relations and the relations of the members of her family with the Johns-Manville Corporation. Mrs. Strelec then signed her name at the bottom of the first two sheets of the statement and immediately below Mr. Ramer's writing on the third sheet of the statement. After she had signed Miss Meirs signed her name as a witness on each of the sheets and Mr. Ramer signed his name directly beneath the signature of Miss Meirs.

I have today examined the three yellow sheets of statement in pen and ink attached hereto and I find they are in the same condition as when finally executed by Mrs. Strelec, Miss Meirs and Mr. Ramer on November 8, 1929.

Subscribed and sworn to before me this eleventh day of February, 1930 : Charles E. Hughes.

Geo. C. Hobart
A Notary Public 949



CRMC-Motley1000-Subj-003568

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix ad Prosequendum of Mike Strelec, deceased,

Plaintiff,

-vs-

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

Defendant.

Action at Law

AFFIDAVIT OF EMIL RAUER

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

EMIL RAUER, being duly sworn on his oath according to law says that:

I reside at #2805 Fourth Avenue, Astoria, Long Island, New York.

On the eighth day of November, 1929, I interviewed Anna Strelec, who resides in the Borough of Manville, Somerset County, New Jersey, at her residence. There was present in addition to Mrs. Strelec and myself, Mr. Archibald Hughes, General Manager of the Manville plant of the Johns-Manville Corporation, and Miss Linda Meirs, the community nurse of Manville.

Mrs. Strelec is of Polish nationality and although she speaks a little English she was not able to carry on an entire conversation in that language. I therefore conversed with her in Polish and explained that I desired information from her as to the manner in which the suit was started by her as administratrix ad prosequendum of the estate of Mike Strelec, deceased, against the Johns-Manville Corporation by summons dated October 1, 1929. She told me that she was perfectly willing to give me all the information she knew about the case and

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I then explained that I intended writing out a statement for her to sign and she said she was willing to give such a statement. I then elicited information from her by question and reduced it to narrative form in the English language in ink upon three sheets of yellow paper. When the statement was finished I then read the statement to Mrs. Strelec translating it to Polish and when I had concluded reading it she stated that it was true and correct in all respects. I then requested that she sign her name at the bottom of the first two sheets of the statement and immediately beneath my handwriting on the third sheet and she thereupon signed her name as requested. After Mrs. Strelec had signed the three sheets of the statement I requested Miss Meirs to sign her name upon each sheet as a witness. Miss Meirs signed her name as requested and I then signed my name on the third sheet of the statement directly beneath the signature of Miss Meirs.

I have today examined the three sheets of statement in ink upon ruled yellow paper attached hereto and they are in all respects in the same condition as when finally executed by Mrs. Strelec, Miss Meirs and myself on November 8, 1929.

Subscribed and sworn to : Emil Ramer
before me this eleventh :
day of February, 1930 :
Geo. A. Hobart
Notary Public

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My name is Anna Strelec and am living in Manville: I have several children. About two years ago my husband died. He was working for John Manville for about eleven years, and before he came to work for this Company, he was working as track laborer in St. Louis Mo. for about seven years. In 1925 my husband was sent to White Haven Pa and remained there 6 months, later he was sent to Bonnie Burn Jan, and he remained there until he died. I never had my intention to sue the Johns Manville Co for the cause of death of my husband Michael. This idea that my husband became sick on account of working in the plant of Johns Manville never entered my mind, until a man came to my house some times during the summer 1929 and asked me whether I was the widow of Mike and when my husband died.

Witness my hand Anna Strelec

He came to my house accom-
panied by the man who has
an Ice Cream Parlor by the Morris
This man told me that he was
a lawyer from Newark and that
I have to go to Court to sign
papers whether I have property
and how many children I have
I saw that this lawyer had
two women I think they were
Italians in his automobile, so
I went with him. I was asked
whether I am the widow, and
I said yes they asked me whether
I have children and I said yes.
and I signed papers. This lawyer
said to me if I go to Court
with him, he will get me money
because my husband is dead.
I did not tell this man from
Newark to see the Johns Manville
I don't know this lawyer, I don't
know his name, I did
not get any papers from
him and mine - anna Strelec

3

the lawyer. I don't know why he fights the Johns Manville. I am willing to sign papers that I don't want any law suits against the Johns Manville Co. I cannot speak or understand English. I am Polish. Nobody from the lawyers office read to me any papers in Polish, that I am suing the Johns Manville. This statement was read to me in Polish and the same is true and Correct.

anna Strelec

Witness

E. Mann 11/29



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY.

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, Deceased,

Plaintiff,

-vs-

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

Defendant.

ACTION AT LAW

R E P L Y.

Plaintiff, Anna Strelec, administratrix ad prosequendum of Mike Strelec, for reply to the answer of the defendant Johns-Manville Corporation, says that:-

1. She denies all the affirmative defenses as set forth in the answer of the defendant, Johns-Manville Corporation.

Samuel Greenstone
ATTORNEY FOR PLAINTIFF.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ANNA STRELEC, administratrix ad prosequendum of MIKE STRELEC, deceased,
Plaintiff,
-vs-
JOHNS-MANVILLE CORPORATION, a Corporation of theState of New York,
Defendant.

Action at Law

A N S W E R

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.

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 paragraphs 3, 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's intestate as part of the terms of his contract of employment.

THIRD DEFENSE

The injury and the disease alleged in the complaint

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were due to one of the risks of his employment assumed by the plaintiff's intestate as part of the terms of his contract of employment in that the plaintiff's intestate 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's intestate.

FIFTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff's intestate in that the plaintiff's intestate 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's intestate, in failing to warn and instruct the plaintiff's intestate to use the mask and other appliances provided by the defendant for the purpose of protecting the plaintiff's intestate against the alleged dangers of his employment.

Holland Thomas
Attorneys for Defendant.

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