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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. Fontanni

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

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAGDALENA STEPKA, Administratrix ad prosequendum of the estate of PAUL STEPKA, deceased, and MAGDALENA STEPKA, individually and as administratrix ad prosequendum of the estate of PAUL STEPKA, deceased,

Plaintiffs,

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

Defendant.

Act to Conform Law

Hobart & Minard
Attys. for Defendant
Legal Bldg.
Newark, N.J.

FILED
APR 9 1932

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|---|---|---|
| MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased, | : | Action at Law |
| Plaintiffs, | : | A N S W E R |
| -vs- | : | |
| JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, | : | |
| 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 TO FIRST COUNT

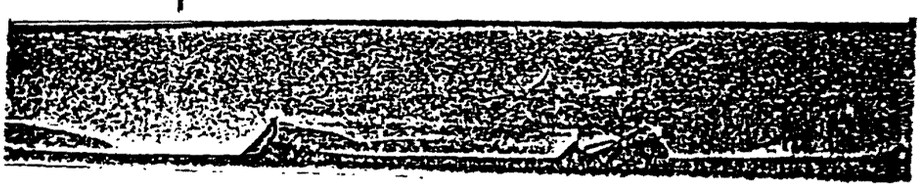
1. It denies paragraph 1, except that it says that the plaintiff's intestate was in its employ at its plant in Manville, New Jersey, from December 28, 1926, to November 12, 1930.

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 paragraph 3, except that it says that it employed the plaintiff's intestate from December 28,1926, to November 12, 1930.

4. It denies paragraphs 4, 5, 6 and 7.

5. It has no knowledge or information sufficient to form a belief as to the allegations of paragraph 8.





*Verona Stepka and Magdalena Stepka v. Johns-Manville, Court Papers (1932), Court papers, 1932 (continued)* Published by AsbestosClaims.Law
ACL Doc 13191 · Page 4 of 37 **asbestosclaims.law/library/13191/4**

SECOND DEFENSE TO FIRST COUNT

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 TO FIRST COUNT

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 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 TO FIRST COUNT

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff's intestate.

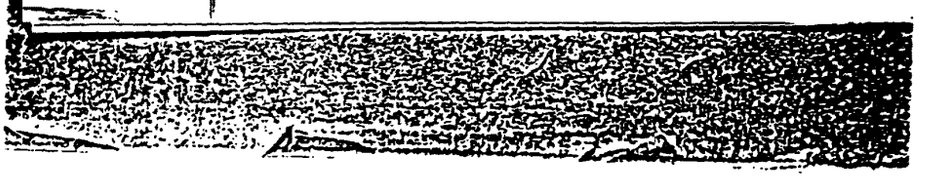
FIFTH DEFENSE TO FIRST COUNT

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 TO FIRST COUNT

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.





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SEVENTH DEFENSE TO FIRST COUNT

1. The alleged injury, if any, tothe plaintiff's intestate was a trespass done to the person of said intestate.

2. Said alleged injury, if any, was caused by the alleged wrongful act, neglect or default of the defendant.

3. No action was commenced and instituted by said intestate, while he was living, to recover for said alleged injury, within two years next after the alleged cause of action accrued to said intestate.

EIGHTH DEFENSE TO FIRST COUNT

1. It repeats the allegations of paragraph 1 of the Seven Defense to the First Count.

2. It repeats the allegations of paragraph 2 of the Seven Defense to the First Count.

3. No action was commenced and instituted by the plaintif to recover for said alleged injury, within two years next afte the alleged cause of action accrued to said intestate.

FIRST DEFENSE TO SECOND COUNT

1. It repeats the allegations of paragraphs 1, 2, 3 and 4 of the First Count.

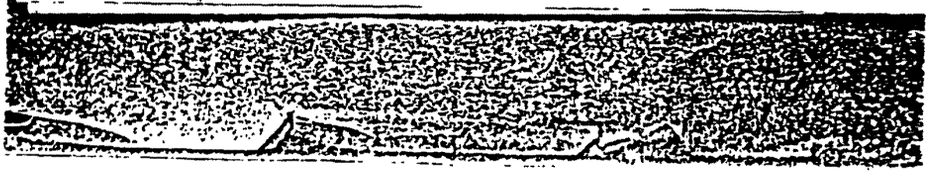
2. It denies the allegations of paragraph 2, except that it has no knowledge or information sufficient to form a belief as to the date of the alleged death of the plaintiff's intestate.

3. It has no knowledge or information sufficient to form a belief as to the allegations of paragraph 3.

4. It has no knowledge or information sufficient to form a belief as to the allegations of paragraph 4.

5. It has no knowledge or information sufficient to form a belief as to the allegations of paragraphs 5 and 6, except that it denies that the plaintiff is vested by virtue of any statute or otherwise with a cause of action against it for negligently causing the death of the plaintiff's intestat





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SECOND DEFENSE TO SECOND COUNT

It repeats the Second Defense to First Count.

THIRD DEFENSE TO SECOND COUNT

It repeats the Third Defense to First Count.

FOURTH DEFENSE TO SECOND COUNT

It repeats the Fourth Defense to First Count.

FIFTH DEFENSE TO SECOND COUNT

It repeats the Fifth Defense to First Count.

SIXTH DEFENSE TO SECOND COUNT

It repeats the Sixth Defense to First Count.

Holt & Minard
Attorneys for Defendant.

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GENERAL SERVICES ADMINISTRATION
National Archives and Records Service

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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

Anthony J Lauteri

NAME: Anthony J Fontezzi | 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

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# New Jersey Supreme Court

SOMERSET COUNTY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-vs-

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

Defendant.

## COPY OF PROCEEDINGS

Samuel Greenstone,
Attorney for Plaintiffs.

FILED

MAR 1 - 1932

GEORGE T. CRATER, CLERK

Clerk

CLERK'S OFFICE, TRENTON

CRMC-Motley1000-Subj-003894

THE STATE OF NEW JERSEY: TO: JOHNS-MANVILLE CORPORATION,
a corporation of the State of
(L.S.) New York:-

You are summoned to answer the complaint of Magdalena Stepka, general administratrix of Paul Stepka, deceased, and Magdalena Stepka, administratrix ad prosequendum of Paul Stepka, deceased, in an action-at-law, in the New Jersey Supreme Court, Somerset City, 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 GREENSTONE
ATTORNEY FOR PLAINTIFF.

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NEW JERSEY SUPREME COURT

SOMERSET COUNTY.

| | |
|---|---|
| MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased, joined with the Plaintiffs, | |
| -vs- | ACTION AT LAW |
| JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, | COMPLAINT. |
| Defendant. | |

FIRST COUNT.

The plaintiff, Magdalena Stepka, general administratrix of Paul Stepka, deceased, residing at Manville, New Jersey, says that:-

1. The intestate was in the employ of the defendant corporation, at its plant in Manville, New Jersey, in the month of November, 1930, 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 same.

4. The defendant not only knew, but should have known the dangerous nature of said asbestos fibers and particles and failed keep the same in control, but was negligent in allowing the said dangerous fibers and particles to escape

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and come into close proximity of the intestate's [redacted] and expose the intestate so that he come into [redacted] and inhaled the said dangerous fibers and particles [redacted] 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 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 said 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 permanently injured externally and internally, in and about his head, body and limbs, causing him great pain and suffering, both mental and physical, greatly lowered his resistance to disease, and he became a victim of pulmonary diseases, and died as a result thereof on December 17, 1931. By reason of the loss of the major part of his lifetime, of his physical and mental well being, of his wage earnings, and the considerable amount of medical expense involved in his effort to retard the suffering from the disease and mend the wrecking of his body, he was caused to suffer losses, said

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expenses and damages to the extent of $50,000.00

8. On December 26, 1931, the plaintiff, Magdalena Stepka, was duly appointed general administratrix of the estate of Paul Stepka, deceased, by the surrogate of Somerset County, and here and now proffers her said letters of administration.

THE PLAINTIFF, Magdalena Stepka, general administratrix of the estate of Paul Stepka, deceased, demands the sum of $50,000.00 as damages from the defendant, under this first count.

SECOND COUNT.

The plaintiff, Magdalena Stepka, administratrix ad prosequendum of Paul Stepka, deceased, residing in Manville, New Jersey, says that:-

1. She repeats the allegations of paragraphs one, two, three, four, five and six of the first count.

2. The said asbestos fibers and particles were introduced into the intestate's body at the time and place aforesaid, so that the intestate became permanently injured, externally and internally, in and about his head, body and limbs, causing him great pain and suffering, both mental and physical, greatly lowered his resistance to disease, and he became a victim of pulmonary diseases, and died as a result thereof on December 17, 1931.

3. On December 26, 1931, the plaintiff, Magdalena Stepka was duly appointed by the surrogate of Somerset County, administratrix ad prosequendum of Paul Stepka, deceased, and here and now proffers her said letters of administration.

4. The said Paul Stepka, left surviving him his wife, Magdalena Stepka, his step-children, Anna Krowski, and Barnard Krowski, and his children, Frank Stepka and Francis Stepka, all of whom were dependent upon the said

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intestate for support.

5. 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.

6. The said next of kin suffered pecuniary losses by reason of the death of the said Paul Stepka, in the sum of $50,000.00.

THE PLAINTIFF, Magdalena Stepka, administratrix ad prosequendum of Paul Stepka, deceased, demands the sum of $50,000.00 as damages from the defendant under this second count.

SAMUEL GREENSTONE
Attorney for Plaintiff.

(ENDORSEMENT)

I hereby deputize Chas. H. Murray to serve the within writ. Witness my hand and seal this 26 day of Jan 1932.

Wm. R. Sutphin
Sheriff

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. Fisher, Plant Manager, personally at Manville, N. J.

Fees $3.78

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

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPZA, general administratrix of PAUL STEPZA, deceased, and MAGDALENA STEPZA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-vs-

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

Defendant.

ACTION AT LAW
SUMMONS AND COMPLAINT

SAMUEL GREENSTONE,
Attorney for Plaintiffs,
1060 Broad St.,
Newark, N.J.

F I L E D

JAN 23 1932

Fred [illegible]wood
Clerk

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-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 Plaintiffs.

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 11 1932

Respectfully,

HOBART & HIFARD
Attorneys for Defendant,
appearing specially.

CRMC-Motley1000-Subj-003901

NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPKA, General administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-vs-

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

Defendant.

Action at Law
NOTICE OF REMOVAL

Hobart & Minard,
Attys. for Deft.appearing specially,
Lefcourt Bldg.,
Newark, N.J.

Service admitted this 11th day of February,1932.

Attorney for Plaintiffs.

F I L E D

FEB 11 1932

Fred L. Bloodgood
Clerk

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-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 plaintiffs are the only plaintiffs in the above suit and at the time of the commencement thereof were and still are residents and citizens 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

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sum of value of $50,000.00 on the first count and $50,000.00 on the second count, the amount demanded by the plaintiffs in said suit as damages from your petitioner, the 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 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 [illegible] (Seal)
Vice-President

Attest:
Clarence L. [illegible]
Assistant Secretary

HOBART & HILLYER,
Attorneys of petitioner, appearing specially, &c.

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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 plaintiffs 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.105
New York County Register's No. 3A252
Commission Expires March 30, 1933.

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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-vs-

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

Defendant.

Action at Law
PETITION FOR REMOVAL

HOBART & HINARD
Attys. for Petitioner,
appearing specially,&c.
Lefcourt Bldg.,
Newark, N.J.

F I L E D

FEB 11 1932

Fred L. Bloodgood
Clerk

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STATE OF NEW YORK, }
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, N. Y.

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 I. 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.

(Seal)

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

Frank P. Casey

Catherine L. Stackpole

(Seal) Notary Public, Queens County
Queens Co. Clerk's No. 3291, Reg's. No. 8814
N.Y. Co. Clerk's No. 1911, Reg's No. 3S1193
Kings Co. Clerk's No. 194, Reg's No. 3787
Bronx Co. Clerk's No. 133 Reg's No. 384 S 33
Certificate filed in Richmond, Westchester and Nassau Cos.
Commission expires March 30, 1933.

CRMC-Motley1000-Subj-003907


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

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 4th day of Feb., 1932, before me

Clarence L. Sager

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

CRMC-Motley1000-Subj-003908

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 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, 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 (Seal)

By S. A. Williams
Vice-President

Attest:

(Seal) Clarence L. Sarer
Assistant Secretary

UNION INDEMNITY COMPANY

By Frank P. Casey
Attorney in Fact

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

CRMC-Motley1000-Subj-003909


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NEW JERSEY SUPREME COURT
SOMERSET COUNTY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-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 the UNION INDEMNITY COMPANY, a corporation of the State of New York, as surety, are held and firmly bound unto MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, 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 MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, 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.

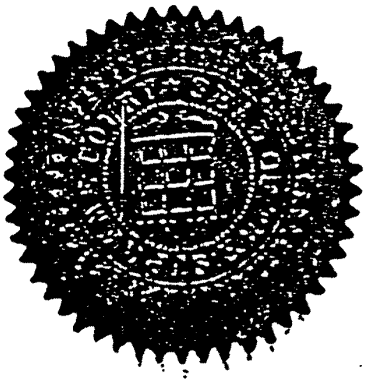
Sealed with our seals and dated the fifth day of February, 1932.

WHEREAS, the above named MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA administratrix ad prosequendum of PAUL STEPKA, deceased, has heretofore brought a suit of a civil nature, at law, in the New Jersey Supreme Court, against said JOHNS-MANVILLE

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

Fred F. Bloodgood
Clerk.

CRMC-Motley1000-Subj-003911


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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: Anthony J Lustyg

NAME: Anthony J Lustyg | 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 6791

Case # 3016

M-257

CRMC-Motley1000-Subj-003912


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UNITED STATES DISTRICT Court
DISTRICT OF NEW JERSEY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased, *Plaintiff*.

*vs.*

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

*Action at Law.*
*ORDER FOR DISCONTINUANCE.*

J 30;3

*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. Cranmer
Clerk
by Edward J. Elwin
Deputy

*Entered* June 13, 1934

*On motion of*
Hubert & Minard.
*Attorneys of defendant.*

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

Samuel Pfeifer
*Attorney of Plaintiff.*

CRMC-Motley1000-Subj-003913

DISTRICT OF NEW JERSEY

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

*Plaintiff*

*vs*

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

*Defendant*

*Action at Law*

# Order for Discontinuance

HOBART & MINARD
ATTORNEYS FOR DEFENDANT
1180 RAYMOND BOULEVARD
NEWARK, N. J.

FILED
JUN 13 1934
AT 9 O'CLOCK A. M.
GEORGE T. CRANMER, CLERK.

CRMC-Motley1000-Subj-003914

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. Venditti | 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-003915


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U. S. DISTRICT Court
FOR THE DISTRICT OF N. J.

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, et al

Plaintiffs,

-vs-

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

Defendant.

Action at law

# Notice of Trial

SAMUEL GREENSTONE
*Attorney for Plaintiff*

APR 1

*Service of the within Notice of Trial is hereby acknowledged this 12*

*day of April A. D. 19 32*

Hobart & Minard
*Attorneys for Defendant*

Summons issued Jan. 25, 1932.

CRMC-Motley1000-Subj-003916

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

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-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. 19* 32, *at the* ~~Court House~~ Lefcourte Bldg., *in* 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., 19* 32.

SAMUEL GREENSTONE
*Attorney of Plaintiff.*

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

CRMC-Motley1000-Subj-003917


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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 Trentozzi DATE 11/3/88

TITLE Archivist Archivos 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-003918


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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

| | |
|---|---|
| MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased, Plaintiffs, -vs- JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, Defendant. | ACTION AT LAW REPLY |

The plaintiffs, for reply to the answer of the defendant filed herein, say that:-

1. They deny all the affirmative defenses alleged therein.

Samuel Greenstone
Attorney for Plaintiffs.

CRMC-Motley1000-Subj-003919


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2 3016

U. S. DISTRICT COURT
FOR THE DISTRICT OF N. J.

- - - - - - - - AT - 3016 - - -

MAGDALENA STEPKA, general administratrix of PAUL STEPKA, deceased, and MAGDALENA STEPKA, administratrix ad prosequendum of PAUL STEPKA, deceased,

Plaintiffs,

-vs-

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

Defendant.

ACTION AT LAW
REPLY

SAMUEL GREENSTONE,
Attorney for Plaintiffs,
1060 Broad St.,Newark,N.J.

FILED

APR 12 1932

AT 9 O'CLOCK A. M.
[illegible] T. CRANMER, CLERK

CRMC-Motley1000-Subj-003920


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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: Anthony Fiaretta

NAME: Anthony T. Fiaretta | 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
~~ENCN~~

GSA FORM APR 68 679

CRMC-Motley1000-Subj-003921


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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY.

| | | |
|---|---|---|
| Magdalena Stepka, et al | : | |
| vs. | : | L- 3016 |
| 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-003922


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