IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
___ M. July 2 1969
James R. Cooney, Clerk, U. S. Court
By Joyce Thomas
DEPUTY

SAMUEL R. POTTER	§	
	:	
vs.	§	CIVIL ACTION
	:	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	NO. 6329
	;	
	§	

INTERROGATORIES

TO: Samuel R. Potter,
Plaintiff and. or his Attorney of Record
The Honorable Ward Stephenson
Orange, Texas

Comes now Defendant, PITTSBURGH CORNING CORPORATION, in the above-entitled and numbered cause, and hereby makes request and in accordance with Rule 33 of the Federal Rules of Civil Procedure, that Plaintiff make answer of the truth of all and each of the following relevant matters of fact in the above-entitled and numbered cause:

Defendant further notifies you, in accordance with the aforesaid Rule 33 of the Federal Rules of Civil Procedure, that within a period of fifteen (15) days after the service of a copy hereof, upon you that you are to deliver to its attorneys of record, Wells, Duncan, Beard, Greenberg and Hunt, 515 Beaumont Savings Building, Beaumont, Texas, a duly sworn response to these Interrogatories.

1. In Paragraph 5 of your Original Complaint, you state that during the years 1940 to 1967, inclusive, you were employed as an insulator and that in the performance of your duties as an insulator, you were required to handle large quantities of the products manufactured and distributed by the Defendants named in the above-styled and numbered cause.

With respect to each job, please state the following :

(a) The name of each employer for whom you have worked during the years 1940 to 1967.

(b) The location of each job (plant site, city, county and state) upon which you worked, for each employer during the years 1940 to 1967.

(c) With respect to each job named and the location described in

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sub-paragraphs (a) and (b) above, state whether or not you worked with any product manufactured and produced by Defendant, Pittsburgh Corning Corporation.

(d) If your answer to paragraph (c) is that you did work with any such product, please state the name of each employer; the dates during which you worked for such employer, and the location of each such job.

2. In paragraph 5 of your Original Complaint, you state that during the years 1940 to 1967 you "actually used the products manufactured by the above-named Defendant, and many more, as an insulator, and specifically many and varied products containing asbestos, * *" and that "on many of the jobs, while not using the specific products manufactured by the defendants plaintiff was nevertheless exposed to the dangerous materials and especially asbestos dust and fibers which were used by other workers in the same area in which Plaintiff was working."

In connection with said allegations, please state the following:

(a) The dates, the name of employer for whom you worked and the place where you worked during the above period of time, wherein products manufactured by Pittsburgh Corning Corporation were actually used.

(b) Please name the "many and various products containing asbestos with which you did work on each of the jobs, also naming the name of the employer, the date during which you worked for said employer, the place of said employment, and the name or names of the "various products containing asbestos."

(c) In connection with your allegation that you were not using yourself, the specific products manufactured by the Defendant, but you were nevertheless exposed to certain "dangerous materials," and "especially asbestos dust and fibers," which were used by other workers in the same area, please state specifically the date, the name of the employer, the location of the job, and the specific trade name of the "dangerous materials," to which you refer in said allegation.

(d) In connection with your allegation that you were exposed to

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certain asbestos dust and fibers which were used by other workers "in the same area," at which you were working, please state the date, the name of the employer, the place of employment and what is meant by the allegation that "other workers in the same area" at which you were working, were using the materials referred to in said paragraph 5 of your Complaint.

3. During the period 1940 to 1967, inclusive, state whether you were a member of any union.

4. If your answer to the foregoing Interrogatory is in the affirmative, then state the name or names and the addresses of each local union of which you were a member and the date of such membership.

5. With respect to each of the employers for whom you performed your duties as insulator, between the years 1940 to 1967, inclusive, state whether or not any of such employers furnished or made available to you any type of face mask, respirator or other protective breathing device.

6. If your answer to the foregoing is in the affirmative, state the name or names and the address of each employer, who did furnish, or make available to you any type of face mask, respirator, or other protective breathing device.

7. If, in answer to either of the two preceding Interrogatories you have stated that an employer furnished or made available to you a face mask,respirator or other protective breathing device, please state whether or not you actually wore such face mask, respirator, or other protective breathing device, and the occasions on which you did wear the same.

8. With respect to each of the employers for whom you have worked as an insulator between the years 1940 and 1967, inclusive, please state whether or not such employers furnished you with any type of wearing apparel or other protective equipment and appliances to protect you from exposure from the use of the insulation with which you were working.

9. If, in answer to the preceding paragraph 8 you state that such protective wearing apparel and such proper protective equipment and appliances were furnished to you by any such employers, state the name of

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employer, the date during which you worked for such employer, and the location of the work which you were performing for such employer.

10. During the period of time that you have worked as an insulator from the years 1940 to 1967, inclusive, state whether or not any of the employers by whom you were employed, furnished any means or method of dispersing any of the dust and fibers, of which you complain, and if such means or method were furnished, state the type and the means by which each of said employers dispersed such dust.

11. Please list the names and addresses of each doctor who has examined you between the years 1940 through 1967, inclusive. Please list the occasions that you have seen these particular doctors, and the type of treatment that each doctor gave you, upon the occasion of your visits to him.

12. Please list the hospital facilities at which you have received treatment, the dates of each treatment, and the reason for such treatment. This Interrogatory covers all occasions for treatment and includes both in-patient and out-patient care, for the years 1940 through 1967, inclusive.

13. Did you experience any injuries or illnesses prior to 1967? If so, please state the following with respect to each injury or illness:

(a) The date of the injury or illness.

(b) The type of injury or illness which you experienced.

(c) How the illness or injury occurred.

(d) All doctors who treated you.

(e) All amounts of money which you received by way of compensation or settlement for each such injury or illness.

14. Please state whether or not you smoke, or have smoked during the period 1940 through 1967, inclusive, and if your answer is in the affirmative, please state the following:

(a) What type of smoking do you do, that is, cigarettes, cigars or pipe?

(b) How many packages of cigarettes per day did you smoke prior to 1968?

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(c) How many packages of cigarettes per day do you now smoke?

(d) Were you ever advised by any physician to stop smoking?

(e) If so, did you, or did you not, stop smoking?

15. Please set forth the amount of earnings which you earned during the years 1959 - 1968, inclusive, together with the identity and address of each employer, and the amount of money each employer paid you. Please attach copies of the W-2 Forms for income taxes which you received from each such employer during the years 1959 - 1968, inclusive.

16. How many lawsuits for personal injuries have you filed prior to the captioned litigation? Please identify the style of the case of each lawsuit which you filed prior to the captioned litigation, and the court or courts in which such lawsuits were filed.

17. Are you now receiving, or have you ever received state or federal benefits for disabilities of any kind?

18. If you have answered the foregoing Interrogatory in the affirmative, please state the date of the injury or disability, the manner in which it occurred, the amount of such benefits, the date such disabilities began and ended, and the disability rating, if any.

19. Have you applied for, or received any unemployment compensation benefits for the years 1967, 1968 and 1969 to date, from any governmental entity, including the state or federal governments.

20. If you answered the foregoing Interrogatory in the affirmative, state the governmental entity to whom you applied for unemployment compensation benefits, the amount of money paid, the period or periods of time for which the payments were made, (giving the date by month and day) and the governmental entity paying the benefits.

21. In your Original Complaint, filed in the captioned matter, it is alleged that the Defendants were negligent, and that the products furnished were not reasonably safe. Please set forth all facts, bases and predicates upon which you rely to substantiate these conclusions with respect to this Defendant, Pittsburgh Corning Corporation.

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22. Please list the companies or individuals, together with the address of each, with whom you have applied for employment since May 3, 1967. Please include within your answer the date or dates of each application.

DATED: July 1st, 1969.

WELLS, DUNCAN, BEARD,
GREENBERG AND HUNT

By George E. Duncan
515 Beaumont Savings Building
Beaumont, Texas 77701

Attorneys for Defendant, PITTSBURGH CORNING CORPORATION

Certificate of Service

I hereby certify that a copy of the above and foregoing Interrogatories of Defendant, Pittsburgh Corning Corporation, was mailed by certified mail, return receipt requested, on this the 1st day of July, 1969, to the following attorneys of record:

Mr. Ward Stephenson
Stephenson, Thompson & Morris
Stephenson Building
Orange, Texas

Mr. John G. Tucker
Orgain, Bell & Tucker
Beaumont Savings Building
Beaumont, Texas 77701

Mr. Gerald Coley
Vinson, Elkins, Searles & Connally
First City National Bank Building
Houston, Texas 77002

Mr. Charles S. Pipkin
Strong, Pipkin, Strong & Nelson
P. O. Box 1632
Beaumont, Texas 77704

Mr. Gordon R. Pate
1119 Beaumont Savings Building
Beaumont, Texas 77701

Mr. John D. Rienstra
King, Sharfstein & Rienstra
707 Beaumont Savings Building
Beaumont, Texas 77701

Mr. George A. Weller
Weller, Wheelus & Green
P. O. Box 350
Beaumont, Texas 77704

George E. Duncan
George E. Duncan, Attorney for Defendant, PITTSBURGH CORNING CORPORATION

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FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

INTERROGATORIES

LAW OFFICES OF
WELLS, DUNCAN AND BEARD
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS
77701

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