IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 23 1969
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Turner

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

ANSWERS OF THE DEFENDANT, STANDARD ASBESTOS MANUFACTURING & INSULATING COMPANY TO THE INTERROGATORIES PROPOUNDED BY THE PLAINTIFF

TO THE PLAINTIFF, SAMUEL R. POTTER, AND MR. WARD STEPHENSON, STEPHENSON & THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS.

Defendant, Standard Asbestos Manufacturing & Insulating Company, in response to interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, files its answers to such interrogatories, as follows:

1.

A. "Simco Test-Best" mineral wool blankets. This has been manufactured to a certain extent throughout the time inquired about. This is an insulating blanket of pre-felted mineral wool of long fiber type, highly heat resistent and water repellent.

B. Simco # 9 one-kote cement. The manufacture of this cement was begun in approximately 1957. It is a special purpose high temperature bonding cement primarily designed for insulation over metal surfaces or fittings, flanges, valves, etc., of insulated piping systems.

C. Simco # 55 high temperature cement. This product was manufactured throughout the period inquired about. It is a high temperature, inorganic bonding cement, used as an all

Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/1

purpose covering cement which can be applied to all heating equipment, furnaces, ducts, fittings, flanges, etc., the surfaces of which may be either hot or cold when applied.

D. Simco Weather-Kote. This has been manufactured generally throughout the period inquired about. It is a protective insulation coating for the protection of insulation against weather, moisture, abrasive damage, vibration, etc., helping to preserve and extend the insulation's efficiency and life of service. It is ready-mixed and is trowelled into place.

E. Air cell pipe covering. A small amount of this was manufactured for several years, beginning in approximately 1945. It is no longer manufactured by this company.

2.

Warnings were given to employees of this company to avoid inhaling dust of any kimd, including dust from any of these products, and masks are worn by this company's employees when in the presence of excessive amounts of such dust.

3.

This company itself has made no such studies.

4.

No answer required.

5.

Yes, the products were sold through various distributors. This cement is packaged in sacks and the "weather-kote" in drums. Due to the small amount of each produced, it could not be said that they are universally used throughout the United States.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 2 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/2

6.

The products are probably used more in the mid-west than in any other specific area.

7.

This question is objected to as argumentative, ambiguous and irrelevant to the issues of this case, but in any event, this defendant does not believe this to be true if such materials are properly and normally used.

8.

No such studies have been made directly by this defendant.

9.

See answer to interrogatory no. 8.

10.

This company does not regularly inspect any areas where workers, other than its own employees, might be using such products, since this company has no way of knowing where such products might be used, nor does it have access to or control over any such areas. This company has been advised that dust counts have been made by independent organizations, as well as by various contractors and their representatives, and by various governmental agencies.

11.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

12.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

13.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 3 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/3

14.

No.

15.

We do not make dust samplings.

16.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous, however, if answer is required to this interrogatory, the answer is no.

17.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

18.

No.

19.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

20.

While asbestosis is certainly a durable substance and one eminently satisfactory for reinforcement of insulating materials, it cannot be said that anything exists for an infinity of years.

21.

We believe that the use of asbestos has increased in past years. The balance of the interrogatory is answered no.

22.

No.

23.

Not directly.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 4 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/4

24.

No.

25.

No.

26.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

27.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

28.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

29.

This is possible, depending upon the skill of the individual involved and his technical familiarity with the product. It would be recognized by color and texture, although probably not by an ordinary workman.

30.

The cement is mixed.

31.

This company was incorporated in the State of Missouri on November 9, 1918, and the domicile of the company is Kansas City, Missouri.

32.

This company and its predecessor has been in this business 69 years.

33.

This company makes no such contention, and does not have at this time sufficient information to take a position one way or another.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 5 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/5

34.

Not in the ordinary sense, since the products are purchased by contractors to be applied by professional applicators familiar with any problems involved in the application.

35.

Not, not in normal use.

36.

No.

37.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

38.

The cements are generally mixed in a mortar bos by the insulator's helper some distance away from the place where the work is done and then transported in mixed form to the point of application.

39.

No.

40.

No.

41.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

42.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

43.

This is objected to as immaterial and irrelevant to any issues involved in this case, as well as being ambiguous.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 6 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/6

44.

W. Ryder, 410 North Olive Street, Kansas City, Missouri is president and chairman of the board.

45.

This company has no such person.

46.

This company is not in a position to pass upon the qualifications of this gentleman.

47.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

48.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

49.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

50.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

51.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

52.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

53.

Objection is made to this interrogatory since it calls for an opinion and conclusion on a matter of law.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 7 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/7

54.

Same answer as to interrogatory 53.

55.

Same answer as to interrogatory 53.

56.

Same answer as to interrogatory 53.

57.

Same answer as to interrogatory 53.

58.

Same answer as to interrogatory 53.

59.

Same answer as to interrogatory 53.

60.

Same answer as to interrogatory 53.

61.

Same answer as to interrogatory 53.

62.

Same answer as to interrogatory 53.

63.

Same answer as to interrogatory 53.

64.

Same answer as to interrogatory 53.

65.

Same answer as to interrogatory 53.

66.

Same answer as to interrogatory 53.

67.

Same answer as to interrogatory 53.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 8 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/8

68.

Same answer as to interrogatory 53.

69.

Same answer as to interrogatory 53.

70.

Same answer as to interrogatory 53.

71.

Same answer as to interrogatory 53.

72.

Same answer as to interrogatory 53.

73.

Same answer as to interrogatory 53.

74.

Same answer as to interrogatory 53.

75.

Same answer as to interrogatory 53.

76.

Same answer as to interrogatory 53.

77.

Same answer as to interrogatory 53.

78.

Same answer as to interrogatory 53.

79.

Same answer as to interrogatory 53.

80.

Same answer as to interrogatory 53.

81.

Same answer as to interrogatory 53.

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 9 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/9

82.

Same answer as to interrogatory 53.

83.

Same answer as to interrogatory 53.

84.

Same answer as to interrogatory 53.

Respectfully submitted,

JAMES W. MEHAFFY, Attorney for Defendant, Standard Asbestos Manufacturing & Insulating Co.

MEHAFFY,WEBER, KEITH & GONSOULIN
1400 San Jacinto Building
Beaumont, Texas
Of Counsel

THE STATE OF TEXAS §
COUNTY OF JEFFERSON §

JAMES W. MEHAFFY, being by me first duly sworn, upon his oath deposes and says that he is one of the attorneys of record for the defendant named above in this cause and that the foregoing answers to interrogatories are true and correct.

JAMES W. MEHAFFY

SWORN TO AND SUBSCRIBED before me by the said James W. Mehaffy on this the 22nd day of December, 1969, to certify which witness my hand and seal of office.

NOTARY PUBLIC in and for Jefferson County, Texas

A copy of the foregoing answers has been forwarded this day to all counsel of record.

James W. Mehaffy

The Potter v. Fibreboard Case File (1969-1972), Answers to plaintiff's interrogatories
ACL Doc 10482 · Page 10 of 10
Published by AsbestosClaims.Law
asbestosclaims.law/library/10482/10