IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FEB 20 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Lowe

S. R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION ET AL

CIVIL ACTION NO. 6329

ANSWERS OF COMBUSTION ENGINEERING, INC., TO PORTION OF INTERROGATORIES CONTAINED IN FIRST SET OF INTERROGATORIES.

Now comes Combustion Engineering, Inc., one of the defendants in the above-entitled and numbered cause, and answering the portion of the Interrogatories contained in the first set of Interrogatories heretofore served on said defendant under Rule 33, Federal Rules of Civil Procedure, which have not been heretofore answered, replies to the same as follows:

1.

In answer to Interrogatory No. 2 of the first set of Interrogatories, defendant states that the following warning has been placed on this defendant's products containing asbestos, such warning being given to all who use such products:

"CAUTION: This product contains asbestos fibers. Excessive inhalation of asbestos may be harmful. If adequate ventilation is not possible, wear respirators approved by the U. S. Bureau of Mines."

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2.

In reply to Interrogatory No. 7 of the first set of Interrogatories, this defendant answers the same no.

3.

In reply to Interrogatory No. 11 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

4.

In reply to Interrogatory No. 12 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

5.

In reply to Interrogatory No. 13 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

6.

In reply to Interrogatory No. 17 of the first set of Interrogatories, this defendant has no information or knowledge of the matter referred to or inquired about in said interrogatory.

7.

In reply to Interrogatory No. 19 of the first set of Interrogatories, this defendant has no information or knowledge of the matter referred to or inquired about in said interrogatory.

8.

In reply to Interrogatory No. 26, of the first set of Interrogatories, this defendant answers the same no.

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9.

Answering Interrogatory No. 37 of the first set of interrogatories, the defendant answers same no.

10.

This defendant answers Interrogatory No. 41 of the first set of interrogatories as follows:

Due to the fact that prior to 1967 Combustion Engineering, Inc's subsidiary, R and I, Refractory and Insulation Corporation, later merged with Combustion Engineering, Inc., the net profit for both companies is indicated below:

	Combustion Engineering, Inc.	R and I Refractory
1960	$6,160,000	$168,553
1961	$6,435,000	$ 66,445
1962	$6,853,000	$ 82,397
1963	$7,600,000	$339,716
1964	$8,784,000	$363,825
1965	$13,100,000	$344,120
1966	$18,299,000	$345,000
1967	$21,110,000	R & I for 1967, $422,000 and for Ramtite Company, merged with R & I in 1967, $624,663
1968	22,105,775	

11.

Answering Interrogatory No. 42 of the first set of Interrogatories, this defendant replies to same as follows:

For the reason set forth under answer to No. 41 above, the figures called for are broken down as between Combustion Engineering, Inc., and its former subsidiary, R and I Refractory and Insulation Corporation:

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Combustion Engineering, Inc.		R & I Refractory
1960	$94,060,000	$1,458,018
1961	$96,556,000	(Not available)
1962	$98,714,000	$1,474,419
1963	$99,375,000	$2,063,866
1964	$101,889.00	$2,650,812
1965	$115,116,000	$3,533,932
1966	$132,819,000	$3,093,000
1967	$149,698,000	R&I $3,375,000, Ramtite Company, merged with R & I in 1967, $3,011,754
1968	$212,933,147	

12.

Answering interrogatory No. 42 of the first set of Interrogatories, this defendant replies to same as follows:

For the reason set forth under answer to No. 41 above, the figures called for are broken down as between Combustion Engineering, Inc., and its former subsidiary, R and I Refractory and Insulation Corporation, and for the period from 1960 to and including 1967, the figures, insofar as Combustion Engineering, Inc., is concerned, do not include sales of asbestos-containing products, since Combustion Engineering, Inc., has only engaged in such business in its own name since December 31, 1967, but such figures represent sales of other items manufactured by Combustion Engineering, and only the figure shown for 1968 includes sales of asbestos-containing products. The figures as to R and I Refractory and Insulation Corporation do include sales of asbestos-containing products:

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Combustion Engineering, Inc.		R & I Refractory
1960	$269,502,000	$3,644.894
1961	$297,137,000	$3,303,218
1962	$263,219,000	$3,900,392
1963	$301,185,000	$5,068,720
1964	$317,371,000	$7,813,232
1965	$416,903,000	$8,807,332
1966	$577,867,000	$9,377,000
1967	$688,589,000	$9,891,000 for R & I and $9,671,705, Ramtite Company merged with R & I 1967
1968	$664,891,067	

13.

Answering interrogatory No. 46 of the first set of Interrogatories, this defendant has no knowledge in regard to Dr. Irving J. Selikoff as an authority in the field of asbestosis or otherwise.

14.

Answering interrogatories Nos. 47 through 84, incl, of the first set of Interrogatories, this defendant says that it agrees that the states mentioned have workmen's compensation laws which pertain to occupational disease but whether or not such laws specifically cover asbestosis, and the dates of the beginnings of such laws, this defendant does not have sufficient knowledge or information upon which to predicate a sworn statement in regard thereto.

ATTORNEY FOR DEFENDANT,
Combustion Engineering, Inc.,
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

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THE STATE OF TEXAS

COUNTY OF JEFFERSON

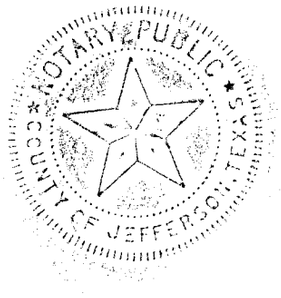
CHARLES S. PIPKIN, being duly sworn, on oath deposes and says that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above cause and as such is duly authorized to make, file and serve the foregoing answers to Interrogatories and this affidavit, and that he does so acting on such authority and authorization; that he has read over the foregoing answers and the same are true and correct.

Charles S. Pipkin

SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 20 day of February, 1970, to certify which witness my hand and seal of office.

Lillian B. Ritchie

NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS.



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CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of February, 1970, a true and correct copy of the foregoing instrument was mailed to the following named attorneys of record:

Mr. Ward Stephenson, Attorney,
Stephenson and Thompson,
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Orange, Texas. 77630
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CHARTER OAK FIRE INSURANCE CO.

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COMBUSTION ENGINEERING, INC.

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