FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FEB 25 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Driver

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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

ANSWER OF DEFENDANT ARMSTRONG CONTRACTING AND SUPPLY CORPORATION TO "SECOND SET" OF INTERROGATORIES PROPOUNDED TO DEFENDANTS

COMES NOW Armstrong Contracting and Supply Corporation and makes the following replies to the second set of interrogatories heretofore propounded to it:

INTERROGATORY NO. 1

In connection with Interrogatory #3 of the first set of interrogatories propounded to you, you have indicated that your company is familiar with the studies made by various other agencies, including the United States Government. Please state the names of the persons or agencies making such studies, the date and identification of such studies or reports, with sufficient detail to enable the plaintiff to obtain copies of any such studies to which you refer. Also, state what action, if any, your company took in response thereto.

ANSWER TO INTERROGATORY NO. 1

In making answer to Interrogatory No. 3 of the first set of interrogatories, your defendant Armstrong Contracting and Supply Corporation answered, "None." It is not familiar with any study made by any other agency, if any.

INTERROGATORY NO. 2

In connection with Interrogatory #8 of the first set of interrogatories propounded to you, you have indicated that your company is familiar with studies made by various other agencies, including the United States Government. Please state the names of the persons or agencies making such studies, the date and identification of such studies, or reports, with sufficient detail to enable the plaintiff to obtain copies of any such studies to which you refer.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10493/1

Also, what action, if any, did your company take based upon these studies to prevent anyone using your products from contracting the disease of asbestosis?

ANSWER TO INTERROGATORY NO. 2

In making reply to Interrogatory No. 8 of the first set of interrogatories your defendant answered, "Not applicable," for the reason that your defendant never made any studies, nor is it familiar with any such studies.

INTERROGATORY NO. 3

In answer to Interrogatory #10 of the first set of interrogatories propounded to you, you have indicated that dust counts have been made by independent organizations, as well as by various contractors, and by various governmental agencies. Please state the names of the persons or agencies making such studies, the date and identification of such studies or reports, with sufficient detail to enable the plaintiff to obtain copies of any such reports to which you refer. Also, what action, if any, did your company take based upon these studies?

ANSWER TO INTERROGATORY NO. 3

In reply to Interrogatory No. 10 of the first set of interrogatories your defendant answered, "Not applicable." Your defendant has never manufactured any asbestos products.

INTERROGATORY NO. 4

In connection with Interrogatory #18 of the first set of interrogatories propounded to you, you have indicated that your company started placing warnings on containers containing asbestos materials. Please state what knowledge or information caused you to start using the warning on the date that you started using such warning, and why did you not use such warnings long prior thereto?

ANSWER TO INTERROGATORY NO. 4

In reply to Interrogatory No. 18 of the first set of interrogatories your defendant answered, "Inasmuch as your defendant does not manufacture any asbestos products, a reply to such interrogatory is not called for."

INTERROGATORY NO. 5

Does your company recognize that asbestos causes asbestosis? If your answer is "Yes", when did you come to such realization, and what action did you take in response thereto? If your answer is "No", then please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of their dangerous nature.

The Potter v. Fibreboard Case File (1969-1972), Answer to plaintiff's second interrogatories
ACL Doc 10493 · Page 2 of 4
Published by AsbestosClaims.Law
asbestosclaims.law/library/10493/2

ANSWER TO INTERROGATORY NO. 5

With respect to the above interrogatory, your defendant is not medically qualified to determine the cause of asbestosis. As a non-manufacturer, the company has never conducted studies on the materials it uses as a contractor. Your defendant does, however, employ health and safety experts through its individual insurance programs, and follows their recommended procedures in an effort to reduce all health and safety hazards.

DATED this 20th day of February, 1970.

ARMSTRONG CONTRACTING AND SUPPLY CORPORATION

By Donald F. Frank
Assistant Secretary & Corporate Counsel

SUBSCRIBED AND SWORN to before me by the said Donald F. Frank this the 20th day of February, 1970.

Jane E. Pinkerton
NOTARY PUBLIC IN AND FOR
JANE E. PINKERTON, Notary Public COUNTY,
Allegheny, Pa.
PENNSYLVANIA
My Commission Expires Nov. 3, 1973

CERTIFICATE OF SERVICE

I, W. N. ARNOLD, JR., hereby certify that a true and correct copy of the foregoing instrument was, on this the 24 day of Feb, 1970, mailed by certified mail, return receipt requested, to Mr. Ward Stephenson, Stephenson & Thompson, P. O. Box 68, Orange, Texas 77630.

W. N. Arnold, Jr.

The Potter v. Fibreboard Case File (1969-1972), Answer to plaintiff's second interrogatories
ACL Doc 10493 · Page 3 of 4
Published by AsbestosClaims.Law
asbestosclaims.law/library/10493/3

CIVIL ACTION No. 6329

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

SAMUEL R. POTTER

V.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

ANSWER OF DEFENDANT ARMSTRONG CONTRACTING AND SUPPLY CORPORATION TO "SECOND SET" OF INTERROGATORIES PROPOUNDED TO DEFENDANTS

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI
ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING

Published by AsbestosClaims.Law
asbestosclaims.law/library/10493/4