IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FEB 27 1970
JAMES R. COONEY, CLERK
BY DEPUTY

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

ANSWERS TO INTERROGATORIES

TO: SAMUEL R. POTTER & WARD STEPHENSON, HIS ATTORNEY:

COMES NOW the defendant, Standard Asbestos Manufacturing & Insulating Company, Inc., and makes the following replies to interrogatories served upon this defendant on or about January 22, 1970, as follows:

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 answer to Interrogatory No. 3 of the first set of interrogatories, this defendant did not indicate that it was familiar with the studies inquired about, but merely stated that it itself had made no such studies. The interrogatory, therefore, is not applicable to this defendant.

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

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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, 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 answer to Interrogatory # 8 of the first set of interrogatories, this defendant did not state that it was familiar with the studies made by other agencies. This interrogatory, therefore, is not applicable to this defendant.

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

The only dust count that this company is familiar with was one conducted at its plant in Kansas City, Missouri by Dr. Edward G. Miter, Associated with Employers Mutual Liability Insurance Company of Wisconsin. The results of his tests were not made available to this company. The exact date of the test is not known, except that it was probably between October 1, 1962 and October 1, 1963.

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?

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ANSWER TO INTERROGATORY NO. 4

In answer to Interrogatory No. 18 of the first set of interrogatories this defendant answered "no". This interrogatory, therefore, is not applicable to this defendant.

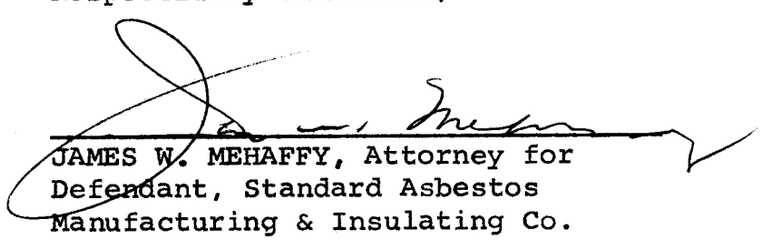
INTERROGATORY NO. 5

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.

ANSWER TO INTERROGATORY NO. 5

This company, of course, recognizes that asbestos causes asbestosis, since asbestosis is, by definition, a form of pneumoconiosis caused by inhalation of fine particles of asbestos. This defendant is unable to give any particular date as to such realization. This defendant assumed that any person using asbestos would avoid excessive inhalation of the same and that any contractor using any asbestos product would furnish its employees with a safe place to work. In shot, this defendant assumed that any product containing asbestos, including its products, would be properly used in a normal and intended manner, and would not be mis-used.

Respectfully submitted,



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

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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 case 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 26th day of February, 1970, 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 on this day to all counsel of record.

James W. Mehaffy

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