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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 12 1970
JAMES R. COONEY, CLERK
BY
DEPUTY

S. R. POTTER

vs.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6329

ADDITIONAL ANSWERS AND AMENDED ANSWERS OF THE DEFENDANT, PITTSBURGH CORNING CORPORATION TO THE INTERROGATORIES PROPOUNDED BY THE PLAINTIFF

TO: THE PLAINTIFF,
S. R. POTTER and/or
MR. WARD STEPHENSON
Stephenson and Thompson
Stephenson Building
Orange, Texas

His Attorneys of Record

Defendant, PITTSBURGH CORNING CORPORATION, pursuant to Order of the Court, overruling certain of its Objections to certain Interrogatories, propounded under Rule 33, Federal Rules of Civil Procedure, served upon Defendant's counsel on or about October 14, 1969, files this its Answers to such Interrogatories within the time required. It is also the purpose of these Answers to file Amended Answers to certain of the Interrogatories which have been previously answered. Such Answers and Amended Answers to each Interrogatory bear the same number and letter as the Plaintiff's Interrogatories:

Interrogatory Number 2

This Defendant denies that the products manufactured by it which contain some asbestos were of a dangerous nature, and further says that said products manufactured by it were, and are, suitable and reasonably fit for the purpose for which such products are manufactured and intended to be used, and are not unreasonably dangerous. Since this Defendant does not

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install or apply said products, it had no contact with any of the employees of independent contractors in the performance of insulation work, no warnings of the kind inquired about were given by this Defendant, except the type of warning which was placed on the containers in which this Defendant's insulation product, UNIBESTOS, was packaged, and which is set forth in answer to Interrogatory Number 18, heretofore filed herein.

Interrogatory Number 3:

This Defendant amends its Answer to said Interrogatory to read as follows:

This Defendant says that no studies to determine the effect of the above-named product on the lungs and physical condition of persons employed as insulators and asbestos workers who use the materials manufactured by this Defendant were made. However, this Defendant says that employees of Pittsburgh Corning Corporation's UNIBESTOS manufacturing plants are given pre-employment physical examinations and annual chest X-rays which have failed to reveal any evidence of a dust-related pulmonary disease. On this basis, this Defendant states that the above-named product manufactured by it is suitable and reasonably fit for the purpose for which the product is manufactured and used, and is therefore not unreasonably dangerous. This Defendant further states that Pittsburgh Corning Corporation is one of several companies supporting "Fibrous Dust Studies," now in progress at the Industrial Hygiene Foundation. To date no report or reports from the above-mentioned organization have been prepared and submitted.

Interrogatory Number 7:

Assuming the word "use" is being utilized in its normal usage, in our own manufacturing experience, the answer is "No." As stated in Answer to Interrogatory Number 3 above, employees of Pittsburgh Corning Corporation's UNIBESTOS manufacturing plants are given pre-employment physical and annual chest X-rays, which have failed to reveal any evidence of a dust-related pulmonary disease.

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Interrogatory Number 8:

This Defendant wishes to amend its Answer to Interrogatory Number 8 as follows:

This Defendant would answer Interrogatory Number 8 exactly as it has answered Interrogatory Number 3 above.

Interrogatory Number 11:

Pittsburgh Corning Corporation is not familiar with Dr. Murray's report.

Interrogatory Number 12:

Pittsburgh Corning Corporation is not familiar with Dr. Cook's work.

Interrogatory Number 13:

Pittsburgh Corning Corporation is not familiar with this legislation.

Interrogatory Number 16:

No. Asbestos may be one of several factors associated with increased incidence of certain pulmonary neoplasms. As to the remaining inquiry contained in Interrogatory Number 16, see Answers to Interrogatory Number 3 and Interrogatory Number 18.

Interrogatory Number 17:

It has been reported that mesothelioma may be associated with pulmonary exposure to a certain type of asbestos. Pittsburgh Corning Corporation does not use this type of asbestos.

Interrogatory Number 19:

No.

Interrogatory Number 23:

This Defendant amends it Original Answer to Interrogatory Number 23, and would answer the same as follows:

Yes. Pittsburgh Corning Corporation is one of several companies supporting "Fibrous Dust Studies," now in progress at the Industrial Hygiene Foundation, and to date has thus far supported this research by the contribution of $40,000.00. Pittsburgh Corning Corporation is committed for

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further expenditures in this connection. To date, no report or reports from the above-mentioned organization have been prepared and submitted.

Interrogatory Number 26:

Under certain circumstances there may be.

Interrogatory Number 28:

No.

Interrogatory Number 31:

This Defendant amends its Answer to Interrogatory Number 31, as follows:

State of Pennsylvania, incorporated in the year 1883. Its offices and principal place of business are located in the City of Pittsburgh, Pennsylvania.

Interrogatory Number 37:

No.

Interrogatory Number 39:

This Defendant amends its previous answer to Interrogatory Number 39 as follows:

Pre-employment physical examinations and annual chest X-rays have failed to reveal any dust-related pulmonary disease in any employee employed by Pittsburgh Corning Corporation, who has been exposed to asbestos dust and fibers and this includes employees who have worked at Defendant's plants since 1954, although this Defendant, Pittsburgh Corning Corporation, did not enter the asbestos field until 1962.

Interrogatory Number 46:

This Defendant amends its previous Answer to Interrogatory Number 46, as follows:

Although this Defendant, Pittsburgh Corning Corporation, is without sufficient knowledge upon which to form an opinion regarding whether Dr. Selikoff is an outstanding authority in the field of asbestosis, it is known by

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this Defendant that Dr. Selikoff has been studying health effects of environmental exposures encountered by insulation workers on the East Coast since 1964.

Interrogatories Numbers 47 through 84:

This Defendant, Pittsburgh Corning Corporation, agrees that the states named had Workmen's Compensation Laws covering occupational diseases, beginning in the years mentioned, but disagrees that all of these Workmen's Compensation Laws specifically covered asbestosis by name. However, this Defendant's undersigned attorney is aware of the fact that, in Texas, asbestosis was added as an occupational disease by the Acts of 1947, 50th Legislature, Article 8306, Sections 25 and 26.

Other than the above Answer, this Defendant has insufficient knowledge or information upon which to predicate a sworn statement to Interrogatories Numbers 47 through 84.

DATED this 9th day of March, 1970.

WELLS, DUNCAN, BEARD,
GREENBERG AND HUNT

By George E. Duncan
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P. O. Box 3708
Beaumont, Texas 77704

Attorneys for Defendant, PITTSBURGH CORNING CORPORATION

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GED:MB 3/9/70 005

THE STATE OF TEXAS :

COUNTY OF JEFFERSON :

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE E. DUNCAN, attorney of record for the Defendant in the above-styled and numbered cause, duly authorized to make this Affidavit, and having been duly sworn, upon his oath states that the Answers and statements contained in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge and belief; that the reason that this affiant has executed this Affidavit is that the Defendant, PITTSBURGH CORNING CORPORATION, is a corporation, none of the officers of which are within the jurisdiction of this Honorable Court.

George E. Duncan

George E. Duncan

SWORN TO and SUBSCRIBED BEFORE ME, the undersigned authority, on this the 9th day of March, 1970.

Notary Public in and for Jefferson County, Texas

Certificate of Service

I, George E. Duncan, attorney of record for the Defendant, PITTSBURGH CORNING CORPORATION, in the above-styled and numbered action, do hereby certify that a true and correct copy of the above and foregoing Answers to Interrogatories was, on this 11th day of March, 1970, served upon the Plaintiff, by depositing the same in the United States Mail, postage prepaid, addressed to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney of record for the Plaintiff; and also true copies to said Answers to Interrogatories were on this 11th day of March, 1970, served upon all other Defendants in this action, by mailing copies of the same to said attorneys at their respective addressed.

George E. Duncan

George E. Duncan

Attorney for Defendant, PITTSBURGH CORNING CORPORATION

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