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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 13 1970
JAMES R. COONEY, CLERK
BY DEPUTY

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL.

CIVIL ACTION NO. 6829.

DEFENDANT RUBEROID COMPANY'S
SUPPLEMENTARY REPLIES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES

COMES NOW Ruberoid Company, one of the Defendants in the above styled and numbered cause, and makes and files this its SUPPLEMENTARY REPLIES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, respectfully representing the following:

INTERROGATORY NO. 11:

This Defendant has no information or independent knowledge of the matters referred to or inquired about in said Interrogatory. This Defendant is generally aware of the report made the subject matter of said Interrogatory, but does not recognize this report as applicable to the use of asbestos products by construction workers engaged in installing such products who are exposed only some of the time to asbestos dust and then to dust counts which should be below the threshold limit values published by the American Conference of Governmental Industrial Hygienists.

INTERROGATORY NO. 12:

This Defendant has no information or independent knowledge of the matters referred to or inquired about in said Interrogatory. This Defendant is generally aware of the report made the subject matter of said Interrogatory, but does not recognize this report as applicable to the use of asbestos products by construction workers engaged in installing such products who are exposed

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only some of the time to asbestos dust and then to dust counts which should be below the threshold limit values published by the American Conference of Governmental Industrial Hygienists.

INTERROGATORY NO. 13:

This Defendant has no information or independent knowledge of the matters referred to in said Interrogatory, but it is aware at this time of this legislative history. This legislation related to workers in asbestos-textile factories, where dust was extremely heavy and consisted of a 100% asbestos fibers and where exposure was continuous. There is no reason for a correlation of this legislation with the use of asbestos products by insulation workers who are exposed only part of the time to asbestos fiber dust and even then to counts which should be below the threshold limit values published by the American Conference of Governmental Industrial Hygienists.

INTERROGATORY NO. 17:

This Defendant does not know whether or not or by whom asbestos may have been directly associated medically with the disease of cor pulmonale.

INTERROGATORY NO. 26:

This Defendant does not agree that construction workers other than asbestos insulators share the same exposure to asbestos dust.

INTERROGATORY NO. 28:

No.

INTERROGATORY NO. 37:

Assuming the truth of such a statement, which this Defendant does not admit to be true but says is not true, the answer to said Interrogatory is Yes. By way of explanation, see this Defendant's answer to Interrogatory No. 18.

INTERROGATORIES NO. 47-84:

Although this Defendant does not have independent knowledge of the contents of the workmen's compensation laws of all of the states, it does have

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knowledge as to content of the laws of some states. As to the states whose workmen's compensation laws are within the knowledge of this Defendant, it recognizes that such compensation laws do cover asbestosis. However, this Defendant understands that under the law of some states, occupational disease is specifically recognized, but its identification as asbestosis would be a matter of interpretation to be made by some Industrial Accident Board or some Court. Other states specifically list asbestosis as an occupational disease. Other than by making a complete study of the workmen's compensation statutes of all of the states inquired about in Interrogatories No. 47 through 84, this Defendant cannot predicate a sworn statement in reply to said Interrogatories except as hereinabove indicated.

Robert E. Barnes.

Sworn to and subscribed before me, the undersigned authority, on this the 13th day of March, 1970.

Beatrice L Engel
Notary Public in and for
Jefferson County, Texas.

Respectfully submitted,

BARNES & BARNES

BY Robert E. Barnes

2315 Calder - P. O. Box 5098,
Beaumont, Texas,
Telephone 833-8601,
Attorneys for Ruberoid Company.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon Mr. Ward Stephenson, Stephenson Building, Orange, Texas, Attorney for Plaintiff, by mailing the same to his address on the 13th day of March, 1970, and a copy was served on each and all other counsel of record by depositing the same in the United States mail properly addressed, with postage paid, on the 13th day of March, 1970.

Robert E. Barnes.

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Civil Action No. 6329.

In the United States District Court
for the Eastern District of Texas,
Beaumont Division

Samuel R. Potter

vs.

Fibreboard Paper Products
Corporation, et al.

DEFENDANT RUBEROID COMPANY'S
SUPPLEMENTARY REPLIES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES

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