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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 16 1970
JAMES R. COONEY, CLERK
BY DEPUTY Mildred C. Varret

SAMUEL R. POTTER §

VS. § CIVIL ACTION NO. ~~6329~~

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL §

ADDITIONAL ANSWERS OF THE DEFENDANT, UNARCO INDUSTRIES, INC., TO CERTAIN NUMBERS OF THE FIRST INTERROGATORIES PROPOUNDED BY PLAINTIFF

TO: THE PLAINTIFF, SAMUEL R. POTTER, AND MR. WARD STEPHENSON, STEPHENSON AND THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS, HIS ATTORNEY OF RECORD.

COMES NOW the Defendant, UNARCO INDUSTRIES, INC., pursuant to order of the Court entered on March 9, 1970, overruling its objections to certain interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, and files this, its answers to such interrogatories, within the time permitted by the Court. The answers to each interrogatory bears the same number as the interrogatory is numbered in the request.

Interrogatory No. 2:

Defendant denies that the products manufactured by it were of a dangerous nature and would further show that each of the products manufactured by this Defendant were suitable and reasonably fit for the purpose for which the products were intended and manufactured. This Defendant had no contact with construction asbestos workers who were employed by independent contractors engaged in insulation work and did not consider its products to be dangerous. No warnings were placed on this Defendant's products until just recent months. The contents of

Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/1

such warning is contained in this Defendant's Answer to Plaintiff's Interrogatory No. 18. This Defendant would assume that this warning is transmitted to the contractor or supplier using this product and its employees.

Interrogatory No. 7:

Assuming that the word "use" means the usual, customary and expected use of such materials manufactured by this Defendant, then this Defendant's answer is "No."

Interrogatory No. 11:

This Defendant has no personal knowledge or information of the matters referred to in this interrogatory.

Interrogatory No. 12:

This Defendant has no personal or independent knowledge or information concerning the matters referred to in this interrogatory.

Interrogatory No. 13:

This Defendant has no personal knowledge or information concerning the matters referred to in this interrogatory.

Interrogatory No. 16:

This Defendant does not have sufficient knowledge as to the causes of lung cancer either to recognize or not recognize that it is caused by asbestos. Medical experts have long recognized that medical science has been unable to determine the cause of cancer.

Interrogatory No. 17:

This Defendant does not have sufficient knowledge or

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 2 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/2

information of the matters contained in Interrogatory No. 17 to admit or deny the same or even to venture an opinion as to the causal connection between the disease stated and asbestos dust and fibers. This would seem to be a medical question which is not within the knowledge of this Defendant.

Interrogatory No. 19:

Again, this Defendant does not have sufficient information relating to the matters inquired about in this interrogatory to admit or deny the same or even to venture an opinion as to the connection between the stated disease and asbestos and does not know if such disease has been medically associated with asbestos. Again, this seems to be a medical question which is not within the knowledge of this Defendant.

Interrogatory No. 26:

No.

Interrogatory No. 28:

No.

Interrogatory No. 36:

In answer to Interrogatory No. 36, this Defendant has knowledge of some employees who had serious lung disease or death, but does not have any personal or independent knowledge that such was due to the inhalation of asbestos dust or fibers, but it was alleged that they suffered from Asbestosis or some type of similar lung disease. The employees in the Bloomington, Illinois Plant, their name, address and doctor, where known, are as follows: Emile Badovinatz, address unknown, Dr. Murray N. Paul,

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 3 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/3

Chicago, Illinois; Jim Sumey, Bloomington, Illinois, treating doctor unknown; Edouard P. Kern, 14635 Keystone, Midlothian, Illinois, Dr. Harold Steinberg, Chicago, Illinois; George E. Winslow, Bloomington, Illinois, Dr. Paul G. Dick, Chicago, Illinois; Louis Novak, Bloomington, Illinois, doctor unknown; George Novak, 3301 Oak Avenue, Brookfield, Illinois, Dr. E. M. Stephenson, Bloomington, Illinois, Drs. Head and Hudson, address unknown. Employees at Patterson, New Jersey Plant: Charles Danheuser, 68 Old Homestead Road, Patterson, New Jersey, doctor unknown; Samuel McAteer, 121 Lafayette Street, Patterson, New Jersey; Martin Ragauskas, 120 Lafayette Street, Patterson, New Jersey; Matthew Grossi, 105 Elizabeth Street, Totowa Borough, New Jersey; Gardiner Rainey, 142 E. Main Street, Patterson, New Jersey, Joseph Pignatelli, 454-456 Kearney Street, Patterson, New Jersey and Nickolas Cotsakos, Building 13, Apartment 3F, Alexander Hamilton Project, Alabama Avenue, Patterson, New Jersey. The Patterson, New Jersey employees were treated by Drs. Selikoff and Bader.

Interrogatory No. 37:

This Defendant does not recognize that it has been known for many years that asbestos dust and fibers have been dangerous to human beings engaged in construction work. This Defendant is unable to assume this proposed statement and assumption because such statement is not correct and, therefore, the only answer this Defendant can give is "No." Defendant does refer Plaintiff to the answer given in Interrogatory No. 18.

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 4 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/4

Interrogatory Nos. 41 through 43:

Year	#41 Net Profit	#42 Net Worth	#43 Total Sales	Products Containing Asbestos Included in #43
1960	$ 13,783	$ 6,975,081	$11,798,374	$ 4,016,401
1961	164,269	7,328,913	10,293,015	4,022,806
1962	648,938	7,881,444	14,762,620	2,798,538
1963	835,768	8,551,637	21,007,004	1,904,486
1964	928,297	9,328,333	26,555,263	1,002,796
1965	1,046,437	10,082,989	34,560,162	791,781
1966	1,144,141	10,841,017	38,137,596	854,871
1967	666,339	11,086,240	36,699,151	824,998
1968	1,024,858	11,759,472	33,030,095	709,497
1969 9 Months (Unaudited)	491,572	11,838,627	28,815,047	728,149

Interrogatories Nos. 47 through 84:

This Defendant says that it does not have personal or independent knowledge of the workmen's compensation laws of states other than the State of Illinois and the State of New Jersey. This Defendant recognizes that states which have workmen's compensation law that covers occupational diseases would in reasonable probability include the disease of Asbestosis. Some states merely cover occupational diseases generally and the inclusion of specific occupational diseases, such as Asbestosis, is a matter of interpretation by Commissions, Boards or Courts. Some states specifically list Asbestosis as an occupational disease. This Defendant does not

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 5 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/5

have sufficient knowledge or information by which it could answer the remaining inquiries in this interrogatory as to the beginning dates of such laws and does not have sufficient knowledge or information upon which to predicate a sworn statement as to any other matters contained in these interrogatories.

Respectfully submitted,

VINSON, ELKINS, SEARLS & CONNALLY

By: Gerald P. Coley

Gerald P. Coley
First City National Bank Bldg.
Houston, Texas 77002 225-2411
ATTORNEYS FOR DEFENDANT,
UNARCO INDUSTRIES, INC.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared GERALD P. COLEY, known to me to be the person whose name is subscribed to the foregoing objections and answers to Plaintiff's interrogatories and who, being by me first duly sworn, did depose and say that the foregoing Answers to Interrogatories are true to the best of his knowledge, information and belief; that this verification is made by him because there is no officer of Unarco Industries, Inc. within the jurisdiction of this Court; that the sources of his information used in answering such interrogatories are the files and records of Unarco Industries, Inc. furnished to him for such purposes and investigation heretofore made in this case.

Gerald P. Coley

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 6 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/6

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by the said GERALD P. COLEY, to certify which witness my hand and seal of office this the 13th day of March, 1970.

Geraldine Klein
Notary Public in and for
Harris County, Texas

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing objections and additional answers of the Defendant, Unarco Industries, Inc., to certain numbers of the first interrogatories propounded by Plaintiff was on the 13th day of March, 1970, served upon Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for the plaintiff, by depositing the same in the United States mail, postage prepaid.

A copy was served on the following attorneys of record on the same date.

Gerald P. Coley
Gerald P. Coley

Mr. George E. Duncan
P. O. Box 3708
Beaumont, Texas 77704
Attorney for Pittsburgh Corning Corporation

Mr. Dale Dowell
707 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Owens-Corning Fiberglas Corporation

Mr. Gordon R. Pate
1119 Beaumont Savings Building
Beaumont, Texas 77001
Attorney for Johns-Manville Products Corporation

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 7 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/7

Mr. W. N. Arnold, Jr.
Fulbright, Crooker, Freeman, Bates & Jaworski
Bank of the Southwest Building
Houston, Texas 77002
Attorney for Philip Carey Manufacturing Company

Mr. Ben Reynolds
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002
Attorney for Eagle-Picher Industries, Inc.

Mr. James W. Mehaffy, Sr.
San Jacinto Building
Beaumont, Texas 77701
Attorney for Standard Asbestos Manufacturing &
Insulation Company

Mr. Charles S. Pipkin
P. O. Box 1632
Beaumont, Texas 77701
Attorney for Combustion Engineering Company, Inc.

Mr. George E. Murphy,
615 San Jacinto Building
Beaumont, Texas 77701
Attorney for Intervenor

Mr. Robert E. Barnes, Jr.
P. O. Box 5098
Beaumont, Texas 77706
Attorney for Ruberoid Company

Mr. George A. Weller
Weller, Wheelus & Green
P. O. Box 350
Beaumont, Texas 77704

The Potter v. Fibreboard Case File (1969-1972), Additional answer to interrogatories
ACL Doc 10507 · Page 8 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10507/8

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

ADDITIONAL ANSWERS OF DEFENDANT, UNARCO INDUSTRIES, INC. TO CERTAIN NUMBERS OF THE FIRST INTERROGATORIES PROPOUNDED BY PLAINTIFF

VINSON, ELKINS, SEARLS & CONNALLY
ATTORNEYS AT LAW
FIRST CITY NATIONAL BANK BUILDING
HOUSTON, TEXAS 77002

GPC