FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 23 1970
JAMES R. COONEY, CLERK
BY DEPUTY

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

S. R. POTTER

VS.

FIBREBOARD PAPER
PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6329

ANSWERS OF THE DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION TO SECOND SET OF INTERROGATORIES PROPOUNDED BY THE PLAINTIFF

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

Defendant, Owens-Corning Fiberglas Corporation, in response to interrogatories heretofore propounded under Rule 33, Federal Rules of Civil Procedure, and served upon defendant's counsel, files this its answers to such interrogatories bearing the same number and letter as the request:

Interrogatory No. 1: The answer of Owens-Corning to Interrogatory 3 of the first set of interrogatories sets forth this information. The results of these studies indicate no health hazard to be present with regard to the products or conditions studied.

Interrogatory No. 2: Owens-Corning did not so indicate in answer to Interrogatory No. 8 of the first set of interrogatories.

Interrogatory No. 3: Owens-Corning did not so indicate in answer to Interrogatory No. 10 of the first set of interrogatories.

Interrogatory No. 4: The label referred to in answer to Interrogatory No. 18 of the first set of interrogatories was placed upon products made or sold by Owens-Corning subsequent to a period of investigation and evaluation of published materials concerning the effect of

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asbestos fibers upon persons employed in the construction industry. Until this information was published, Owens-Corning had no reason to believe there was any cause for placing any such label upon its product.

Interrogatory No. 5: This defendant objects to Interrogatory No. 5 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

(b) The same inquires as to a matter of opinion not required to be answered under Federal Rule 33;

(c) The same inquires into medical facts which will necessarily have to be developed through expert testimony at the time of trial hereon;

(d) The same is argumentative and improper.

DATED this 20th day of March, 1970.

KING, SHARFSTEIN & RIENSTRA

BY: Dale Dowell

707 Beaumont Savings Building
Beaumont, Texas
Attorneys for Owens-Corning
Fiberglas Corporation

THE STATE OF TEXAS §
§
COUNTY OF JEFFERSON §

Before me, the undersigned authority, on this day personally appeared Dale Dowell, attorney of record for the defendant in the above styled and numbered action, 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.

Dale Dowell

The Potter v. Fibreboard Case File (1969-1972), Answer to plaintiff's second interrogatories
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Sworn to and subscribed before me by the said Dale Dowell this the 20th day of March, A.D. 1970.

Carolyn Bartley
Notary Public in and for Jefferson County, Texas.

CERTIFICATE OF SERVICE

I, Dale Dowell, attorney of record for the defendant, Owens-Corning Fiberglas 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 the 20th 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 of said answers to interrogatories were on this the 20th day of March, 1970, served upon all other defendants in this action by mailing copies of same to said attorneys at their respective addresses.

Dale Dowell
Attorney for Defendant, Owens-Corning Fiberglas Corporation

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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BY DEPUTY Myra Barker

SAMUEL R. POTTER §

V. §

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL §

§ CIVIL ACTION NO. 6329

MOTION OF DEFENDANT ARMSTRONG CORK COMPANY FOR EXTENSION OF TIME WITHIN WHICH TO ANSWER PLAINTIFF'S INTERROGATORIES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Armstrong Cork Company, one of the defendants in the above entitled and numbered cause, and respectfully moves the Court to grant it an extension of time within which to make answer to the interrogatories heretofore served upon it, and as grounds therefor would show:

I.

That the amended complaint of the plaintiff making Armstrong Cork Company a party defendant was filed in this Court on February 18, 1970; that service of process on your defendant was had on February 24, 1970, which process required your defendant to file an answer in said cause within twenty (20) days after the date of service.

That your defendant filed its answer in said cause, mailing same to the Clerk of the Court on March 11, 1970.

II.

That the interrogatories served by plaintiff upon your defendant's counsel was received through the mail on March 17, 1970.

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CIVIL ACTION
NO. 6329

S. R. POTTER

V.

FIBREBOARD PAPER
PRODUCTS CORPORATION,
ET AL.

ANSWERS OF THE DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION TO THIRD SET OF INTERROGATORIES PROPOUNDED TO THE PLAINTIFF

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